

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.NO.743 OF 2019

AND

C.M.P.NO.20789 OF 2019

G.Ashok

... Petitioner

Vs.

Thiroupathi @ Revathi

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, pleaded to withdraw the H.M.O.P.No.56 of 2017 pending on the file of the Sub Court, Ambasamudram, Tirunelveli District and transfer the same to the file of Sub Court, Tambaram.

For Petitioner : Mr.R.Sridharan

For Respondent : Mr.R.Chandrasudan

O R D E R

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.56 of 2017 pending on the file of the Sub Court, Ambasamudram, Tirunelveli District and transfer the same to the file of Sub Court, Tambaram.

2.The said petition has been filed by the husband in the above said H.M.O.P.No.56 of 2017 seeking a prayer for divorce, which is pending on the file of the Subordinate Court at Ambasamudram, Tirunelveli District. The petitioner / husband and the respondent / wife got married on 27.10.2010 as per Hindu Rituals and Customs at Papanasam, "Ulagamman Kovil Sannadhi" and a grandeur reception was held at "Papanasam Senayar Marriage Hall". The petitioner / husband submits that he was working as a bus driver for the "Metropolitan Transport Corporation" at Adyar Bus Depot and at the time of marriage the respondent / wife was doing her 2nd year B.Com., at Parasakthi College and continued her studies from her paternal home after the marriage and after completion of her studies she shifted to Chennai and

insisted the petitioner / husband to look for a house near that of her sister's house and the separate house was taken at Nanmangalam.

3.The allegation of the petitioner / husband is that the respondent / wife did not do any household works but was always conversing with her sister and the sisters / husband and the petitioner was made to do the household works before going for his shift and after coming back from work also on majority of times he had to eat outside and had purchased food for the respondent / wife as she was not cooking. The respondent / wife frequently visited her sister's place and humiliated him on the grounds of his educational qualification and his occupation who is a driver, in comparison with her sister's husband who is a well qualified, financially sound person who also own a bungalow and a car. Time and again stated that she wanted to get married to an educated, well planned person but her parents had forced her into the marriage with the petitioner / husband and she was in no point of time interested in the marriage with the petitioner / husband.

4.After a point of time the respondent / wife deserted the petitioner / husband and stayed with her sister for the past four months, he had to literally stand in front of the respondent's sister's house for hours together requesting her to join him and facing humiliation and embarrassment in public, but the respondent / wife denied Conjugal Rights of the husband.

5.The respondent's parents were also not cooperating and they informed him that he should also grow up in his standards to the level of their first son-in-law and then only the respondent / wife will join him. Panchayath was held and in the said Panchayath the respondent is found that she is not interested to live with the petitioner and even refused to talk with the petitioner over phone. After 5 years of humiliation, mental cruelty and desertion by the respondent / wife with to other choice he filed the divorce petition before the Subordinate Court at Ambasamudram, Tirunelveli District. Now he is working in Chennai as a Government Bus driver, he has not able to obtain leave and visit Ambasamudram Court on every hearing to appearing in the Court for the divorce proceedings.

6.Admittedly, both the petitioner and the respondent are living around Tambaram Area and the respondent / wife who is in custody of their School going children and prays that if the H.M.O.P is transferred to Tambaram Subordinate Court it will be convenient for both the petitioner and the respondent.

7.The learned counsel for the respondent / wife filed a counter stating that in Subordinate Court, Tambaram, is already

filled heavily with number of cases other than the matters and it would not be convenient for her to attend the Subordinate Court proceedings as justice will be delayed to her and she prays for transferring the said petition from Ambasamudram Subordinate Court to anyone of the Family Court at Chennai.

8.As both the parties agree for transferring the said petition from Ambasamudram and to anyone of the Family Court, Chennai, this Court is inclined to transfer the same from the Ambasamudram Subordinate Court to the Family Court at Chennai. The learned Principal Judge will decide and allot the Court in which the H.M.O.P to be transferred.

9.In the result, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Subordinate Judge,
Ambasamudram,
Tirunelveli District.
2. The Principal Judge,
Family Court, Chennai.

+1cc to Mr.R.Sridharan, Advocate, S.R.No.96486

+1cc to Mr.R.Chandrasudan, Advocate, S.R.No.95419

Tr.C.M.P.No.743 of 2019
and C.M.P.No.20789 of 2019

MP(CO)
CS/20/01/2020

WEB COPY