

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2019

Coram:

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Transfer CMP No.758 of 2019  
and  
C.M.P.No. 21174 of 2019

K.Supriya

... Petitioner

Versus

S.Rajkumar

.... Respondent

PRAYER: This Transfer Civil Miscellaneous petition is filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the H.M.O.P.No.9 of 2019 from the file of the Subordinate Court, Panruti to the Subordinate Court, Thanjavur to be tried along with H.M.O.P.No. 177 of 2019 on the file of the Subordinate court, Thanjavur.

For Petitioner : Mr.T.Saikrishnan

For Respondent : Mr.T.Sundaranathan

ORDER

The petitioner is the wife who has filed this Transfer Civil Miscellaneous Petition seeking to withdraw and transfer the HMOP No.9 of 2019 from the file of the Subordinate Court, Panruti to the Subordinate Court, Thanjavur to be tried along with HMOP.No. 177 of 2019 on the file of the Subordinate Court, Thanjavur.

2. The case of the petitioner is that she got married to the respondent on 09.04.2017 at Sri Sundara Vinayagar Koil, Subramaniyapuram, Trichy as per Hindu Rites and Customs. The marriage was a love marriage.

3. Earlier to the marriage, the petitioner was residing with her parents in Ammapettai at Panruti in Cuddalore District and she completed her school studies in the said place and later on, they moved to Thanjavur where she is presently residing. The respondent completed his B.SC. graduation and also got MBA degree. During the earlier period when they were in Panruti, the petitioner's father and the respondent's father were friends through which both the petitioner as well as the respondent came

to know to each other. However later on, relationship with the respondent had blossomed into love and they both fell in love with each other and they were in the love affair for nearly about 9 years. Things were going smoothly until the love affair came to the knowledge of our parents. Due to the non co-operation of the parents from both the sides, left with no other option, they got married on 09.04.2017 at Shri Sundhravinayakar Temple as per the Hindu rites and customs and against their parents' wish. Later the marriage was registered at K.Sathanoor, Sub-registrar office on 13.04.2017. Soon after getting the marriage registered they both went back to their respective parents houses as if nothing has happened. This entire incident took place on the advice of the respondent. Thereafter they are continued their marriage relationship whenever it was possible.

4. However through common friends, both petitioner's parents and the respondent's parents were informed about the marriage which took place between the petitioner and respondent. Since things went out of control, the petitioner's parents, accepted his marriage. However, the same was not accepted by the respondent's parents. Moreover, due to the immense pressure given by the respondent's parents, the petitioner's husband/Respondent is now trying to evade him and also avoiding to develop any relationship with her and all her efforts to get him into the marital bond is on vain. Hence she was forced to file a petition under Section 9 of Hindu Marriage Act 1955 for restitution of conjugal rights in H.M.O.P.No. 177 of 2019 before the Subordinate Court, Thanjavur and the respondent on the insistence of their parents is contesting the same by way of filing the counter and the same is pending. Whiles, the respondent, on compulsion of his parents filed a petition for annulment of marriage before the Subordinate Judge at Panruti in H.M.O.P.No. 9 of 2019 with totally false averments, without an iota of truth.

5. The petitioner was married to the respondent and she has not even enjoyed the colour of the married life even for a single day without any fear. The respondent's parents hated and not accepted her, due to the financial status of her parents. Now she is residing with her parents at Thanjavur entirely depending on them for survival. She has no independent source of income. The respondent has now filed the divorce petition at Subordinate Court at Panruti which is nearly 150 KM away from Thanjavur. Moreover the respondent's father is a powerful and influential politician in the Panruti region. Hence she is in fear to attend each and every hearing for the divorce case filed by her husband at Panruti. Moreover, the restitution conjugal rights petition filed by the petitioner in H.M.O.P.No. 177 of 2019 is pending before the Subordinate Court at Thanjavur. Hence the petition for annulment of marriage filed by

the respondent in H.M.O.P.No. 9 of 2019 pending before the Subordinate Court, Panruti ought to be transferred to Thanjavur to be tried along with the petition filed by the petitioner. Hence in the interest of justice, the petition filed by the respondent pending in the Subordinate Court, Panruti is to be transferred and posted along with the restitution of Conjugal right petition pending before the Subordinate Court, Thanjavur. In the circumstances, the petitioner would be put to grave prejudice and undue hardship unless and otherwise the above annulment petition filed by the respondent is transferred from Subordinate Court, Panruti to Subordinate Court, Thanjavur.

6. Hence, this Court is inclined to allow the Transfer Civil Miscellaneous Appeal and consequently, H.M.O.P.No.9 of 2019, filed by the petitioner, pending before the Sub Court, Panruti shall be withdrawn and transferred to Subordinate Court, Thanjavur, to be tried along with H.M.O.P.No.177 of 2019. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Court,  
Panruti.
2. The Subordinate Court,  
Thanjavur.

+1cc to M/s.Sai & Bharath, Advocate Sr.98281

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srg 11/02/2020