

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

**TR C.M.P. No.820 of 2019
and
C.M.P.No.22730 of 2019**

M.Kiruthika ... Petitioner

Vs.

G.Preetham ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the HMOP. No.416 of 2019 pending on the file of the Subordinate Court, Tambaram to the file of I Additional Family Court, Chennai to be tried along with O.P.No.3657 of 2019.

For Petitioner : Mr.J.Saravana Vel

For Respondent : Mr.B.Anandan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer the HMOP. No.416 of 2019 pending on the file of the Subordinate Court, Tambaram to the file of I Additional Family Court, Chennai, to be tried along with O.P.No.3657 of 2019.

2. The Respondent and petitioner are husband and wife. The

marriage was solemnized between them on 27.05.2018 at S.G.R.Mahal, Vijayapuram Mambakkam Main Road, Chennai. After the marriage, there was a misunderstanding between the couples. Due to the same, the couples were living separately. For which, the petitioner had filed a petition in OP. No.3657 of 2019 before the I Additional Family Court, Chennai seeking for divorce under Section 13(1) (ia) of the Hindu Marriage Act, 1955. The respondent/ Husband had filed a petition in H.M.O.P.No.416 of 2019 on the file of Sub Court, Tambaram for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. The petitioner/wife is the resident of Chennai. She finds it difficult to travel from Chennai to Tambaram to attend the Court proceedings. Therefore, she seeks transfer of the H.M.O.P.No.416 of 2019 filed by the husband to I Additional Family Court, Chennai and to be tried along with O.P.No.3657 of 2019.

3. The learned counsel for the petitioner submitted that the petitioner is now residing at her parental house at Chennai. Except the petitioner's parents, she has no one in her family to accommodate her to attend the Court each and every hearing. Hence, it is very difficult for the petitioner to travel from Chennai to Tambaram. Because of this, she is facing physical and financial issues. Therefore, it will be appropriate to transfer the case filed by the husband from Tambaram to Chennai.

4. The learned counsel for the respondent has no objection to transfer the petition to I Additional Family Court, Chennai.

5. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6. Considering the convenience of the parties, this Court is inclined to transfer the case from Tambaram to Chennai. Accordingly, HMOP. No.416 of 2019 pending on the file of Subordinate Court, Tambaram is to be withdrawn and transferred to the file of the I Additional Family Court, Chennai and to be tried along with O.P.No.3657 of 2019.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

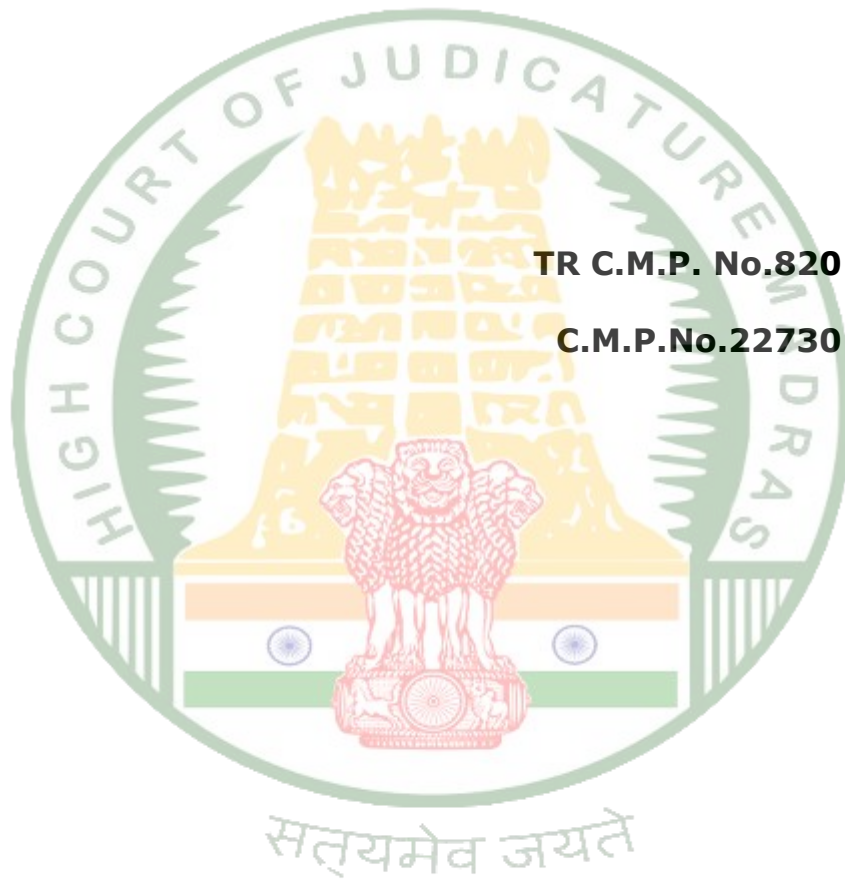
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14.11.2019

Index:Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order
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To
1.The Subordinate court, Tambaram
2.I Additional Family Court, Chennai

V.BHAVANI SUBBAROYAN., J.

rka



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