

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.Nos.845 & 864 of 2019 &  
CMP.Nos.23310 and 23804 of 2019

P. Yogaraj .. Petitioner in Tr.CMP.No.845 of 2019  
.. Respondent in Tr.CMP.No.864 /2019

vs.

1. H.Saranya .. Respondent in Tr.CMP.No.845/ 2019/  
.. 1<sup>st</sup> petitioner in Tr.CMP.864 of 2019  
2. H.Suguna  
3. Hari Krishna Naidu  
4. Lakshmi Ammal  
...petitioners 2 to 4 in Tr.CMP.864/2019

Prayer in Tr.CMP.No.845 of 2019: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP.No.93/2019, pending on the file of Sub Court, Cheyyaar and to transfer the same to Sub Court, Arakkonam.

Prayer in Tr.CMP.No.864 of 2019: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings in HMOP.No.58/2019 on the file of the Sub Court Arakkonam, Vellore District and transfer the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District to be tried along with HMOP.No.93/2019 pending on the file of Sub Court, Cheyyar, Thiruvannamalai District.

For Petitioner in  
Tr.CMP.No.845/2019 : Mrs.N.Kohila

For respondent in  
Tr.CMP.No.845/2019 : Mr.K.G.Senthilkumar.

For Petitioners in  
Tr.CMP.No.864/2019 : Mr.K.G.Senthilkumar

For respondent in  
Tr.CMP.No.864/2019 : Mrs.N.Kohila, for  
Mr.A.Gouthaman

O R D E R

Tr.C.M.P.No.845 of 2019 is filed by the husband seeking  
to withdraw HMOP.No.93/2019 filed by the wife, pending on

the file of Sub Court, Cheyyaar and to transfer the same to Sub Court, Arakkonam.

2. Tr.C.M.P.No.864 of 2019 is filed by the wife seeking to withdraw the proceedings in HMOP.No.58/2019 filed by the husband on the file of the Sub Court Arakkonam, Vellore District and transfer the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District to be tried along with HMOP.No.93/2019 pending on the file of Sub Court, Cheyyar, Thiruvannamalai District.

3. It is an admitted case that this is an arranged marriage that took place on 24.2.2019 at Kaveripakkam. The only grievance is that the parties have to travel 70 Kms from Arakkonam to Cheyyar. The husband has filed a petition to annul the marriage held between them in HMOP.No.53 of 2019 before the Subordinate Judge, Arakkonam, making her father-in-law and mother-in-law and grand mother of the husband as parties. In both the courts, the parties can be represented by the lawyer.

4. It is seen that the husband is employed at Chennai and his contention that he has to travel all the way from Chennai to Cheyyar to participate in the case cannot be a ground to transfer the case to Sub Court, Arakkonam. Both are competent courts and that both are represented by the lawyer in lower court and no prejudice is going to be caused to the husband, if both the matters are tried at Cheyyar. Hence, I am of the view that HMOP.No.58 of 2019 can be transferred from Sub Court, Arakkonam, Vellore District to Sub Court, Cheyyar to be tried along with HMOP.No.93 of 2019 to enable both the parties to appear.

5. Accordingly, the proceedings in HMOP.No.58 of 2019 on the file of Sub Court, Arakkonam is transferred to Sub Court, Cheyyar, Thiruvannamalai to be tried along with HMOP.No.93 of 2019. The Sub Judge, Cheyyar, Thiruvannamalai is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

6. Counsel appearing for the husband in HMOP.No.58 of 2019 submitted that he will take steps to delete other persons except the wife from array of parties in HMOP.No.58 of 2019 as they are not necessary parties for the purpose of granting relief sought for in the HMOP.

7. It is seen that as the marriage is performed only in February 2019 and not even an year gone by, to bring about an amicable settlement between the parties, the matter may be resolved through mediation.

8. In the result, Tr.C.M.P.No.864 of 2019 is allowed as indicated above and Tr.C.M.P.No.845 of 2019 is dismissed.

No costs. Consequently, connected CMP.Nos.23310 and 23804 of 2019 are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

(msr)

To :

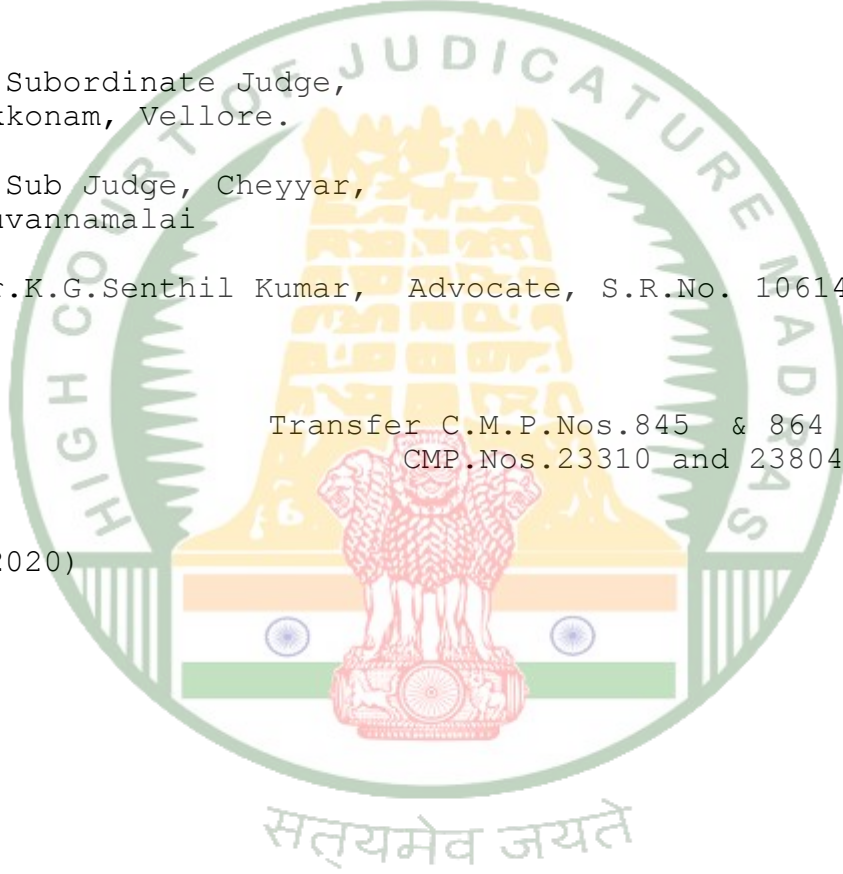
1. The Subordinate Judge,  
Arakkonam, Vellore.

2. The Sub Judge, Cheyyar,  
Thiruvannamalai

+2cc to Mr.K.G.Senthil Kumar, Advocate, S.R.No. 106148

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SVI (CO)  
GN(07/02/2020)



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