

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.745 of 2018  
and  
C.M.P.No.18158 of 2018

Dr.M.Monika Priya

... Petitioner

Vs.

Dr.K.Ambethkar Priyan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw HMOP.No.34 of 2018 pending before the Subordinate Judge at Gudiyatham and transfer it to the Family Court at Chennai.

For Petitioner : Mr.A.G.Rajan

For Respondent : Mr.G.Vinoth Kumar

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife to withdraw HMOP.No.34 of 2018 pending before the Subordinate Judge, Gudiyatham and transfer it to the Family Court, Chennai.

2. The petitioner and the respondent are Doctors. Both of them got married on 12.07.2017 and they are residing in Chennai. After marriage, the respondent got admission to a Post Graduate Course at Maharashtra and pursuing his studies. Owing to some differences between them, petitioner deserted the matrimonial home. Hence, the respondent filed a petition for restitution of conjugal rights before Sub-Court, Gudiyatham. The petitioner has approached this Court to transfer the said petition from Sub Court, Gudiyatham to Family Court, Chennai.

3. It is not in dispute that the parties are not residing at Gudiyatham. The respondent is pursuing his studies in Maharashtra and the petitioner is residing at Kattupakkam. It is

also informed that the petitioner delivered a baby three months ago and it is very difficult for her to travel from Chennai to Gudiyatham for attending the cases, whereas the respondent while coming from Maharashtra to reach Gudiyatham, he has to travel through Chennai.

4. Considering the convenience of the parties, HMOP.No.34 of 2018 is withdrawn from the file of Subordinate Judge, Gudiyatham and transferred to the file of Principal Judge, Family Court, Chennai. The Principal Judge, Family Court, Chennai is directed to re-number the application and allot it to appropriate Court.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

bri

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,  
Gudiyatham.
2. The Principal Judge,  
Family Court,  
Chennai.

+1cc to Mr. G.Vinodh Kumar, Advocate, S.R.No.10908  
+1cc to Mr.A.G.Rajan, Advocate, S.R.No.11203

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