

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2019

CORAM

THE HONOURABLE JUSTICE M.GOVINDARAJ, J.

Tr.C.M.P.No.848 of 2018

&

CMP.No.20947 of 2018

Divya

.. Petitioner

-VS-

V.Venkatesh Kumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed praying to withdraw the petition in HMOP.No.90 of 2018 on the file of the Principal Sub-Court, Thiruvannamalai and transfer the same to Principal Sub-Court, Chengalpet.

For Petitioner : Mr.S.Anburaja

For Respondent : No appearance

O R D E R

This petition is filed seeking to withdraw the petition in HMOP.No.90 of 2018 pending on the file of the Principal Sub-Court, Thiruvannamalai and transfer the same to Principal Sub-Court, Chengalpet.

2. The petitioner is the wife of the respondent husband. Originally the respondent husband filed a petition for restitution of conjugal rights in HMOP.No.22 of 2016 pending on the file of Subordinate Judge, Thiruvannamalai. On an application by the petitioner wife before this Court in Tr.C.M.P.No.115 of 2017, this Court, by its order dated 21.6.2017, HMOP.No.22 of 2016 was withdrawn from the file of Sub Court, Thiruvannamalai and transferred to Sub Court, Chinglepet.

2.1 Thereafter, the petitioner husband filed for restitution of conjugal rights is re-numbered as HMOP.No.69 of 2016 pending before the Sub Court, Chinglepet. While the matter is pending, the respondent husband filed a petition for divorce before the same Sub Court, Thiruvannamalai in HMOP.No.90 of 2018.

2.2 The petitioner is before this Court for transfer of the divorce petition filed by the respondent husband to Principal Sub Court, Chengalpet.

3. In spite of service of notice, the respondent has not chosen to appear before this Court.

4. Considering the balance of convenience as well as the previous order of transfer passed by this Court in Tr.CMP.No.115 of 2017 dated 21.6.2017 and also the pendency of the HMOP.No.69 of 2018 between the parties before the Principal Sub Court, Chengalpet, this Court is inclined to withdraw the HMOP.No.90 of 2018 pending on the file of Sub Court, Thiruvannamalai and transfer the same to Principal Sub Court, Chengalpet.

5. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently connected CMP.No.20947 of 2018 is closed.

6. The Principal Sub Court, Chengalpet is directed to re-number the case and issue summons to the parties.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

msr

To

1. The Principal Subordinate Judge
Thiruvannamalai.

2. The Subordinate Judge
Chengalpet.

+1 CC to Mr.S.Anburaja, Advocate sr 10057.

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KJ(CO)
SP(19/03/2019)