

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.893 of 2018

E.Tamilarasi

... Petitioner / Respondent

-vs-

N.Jayaprakash

... Respondent / Petitioner

Prayer: Petition filed under Section 24 of C.P.C to order for the withdrawal of the petition in H.M.O.P. No.64 of 2018 pending on the file of Subordinate Court, Hosur and to transfer the same to the file of Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakash Babu

For Respondent : Mr.R.Bharath Kumar

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.64 of 2018 pending on the file of the Subordinate Court, Hosur to the file of the Principal Subordinate Court, Tiruvannamalai.

2.It is submitted by the learned counsel appearing for the petitioner that the marriage between the petitioner and respondent was solemnised on 16.09.2015 at Arulmighu Aranganathaswamy Temple, Tiruvarangam Sankarapuram Taluk, Villupuram District. At the time of marriage, both the petitioner and the respondent were working in Bangalore and after quitting her job few months back, she was residing with her parents at Tiruvannamalai Town and continuing her job from home. However, the respondent is also the resident of Tiruvannamalai District and he is now on deputation made by the company of Australia. As the marriage life of the petitioner with the respondent was distraint relationship, the respondent, at the instigation of his sister, filed a petition for divorce

against the petitioner in H.M.O.P. No.64 of 2018 before the Subordinate Court, Hosur on 19.06.2018. As the Subordinate Court, Hosur has no territorial jurisdiction as per law and it is very difficult for the petitioner to travel to Hosur from Thiruvannamalai to attend the case since the said place is around 170 kms. from Tiruvannamalai, the H.M.O.P. No.64 of 2018 pending before the Subordinate Court, Hosur be transferred to the file of the Principal Subordinate Court, Tiruvannamalai.

3.Detailed counter affidavit has been filed by the respondent. Reiterating the averments made in the same, learned counsel appearing for the respondent submitted that after the marriage, the petitioner used to stay with her parental home and at the same time, she used to degrade the family members of the respondent and hence, there was a frequent quarrel between themselves. Unable to tolerate the mental agony and hardship, the respondent was compelled to file the petition for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 at Sub Court, Hosur. When the marriage was registered at Hosur, the Sub Court, Hosur is having the territorial jurisdiction to deal with the matrimonial issues and therefore, it is not open to the petitioner to challenge the territorial jurisdiction of the Sub Court, Hosur.

4.But this Court is unable to find any merit on the submissions made by the learned counsel appearing for the respondent. As both the parties belong to Thiruvannamalai and the marriage taken place at Villupuram District, this Court is inclined to transfer the H.M.O.P. No.64 of 2018 to the file of the Principal Subordinate Court, Tiruvannamalai. Accordingly, the Transfer C.M.P. is allowed and the pending H.M.O.P. No.64 of 2018 pending on the file of the Subordinate Court, Hosur is withdrawn and transferred to the file of the Principal Subordinate Court, Tiruvannamalai.

5.The learned Principal Subordinate Court, Tiruvannamalai is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Court, Hosur.

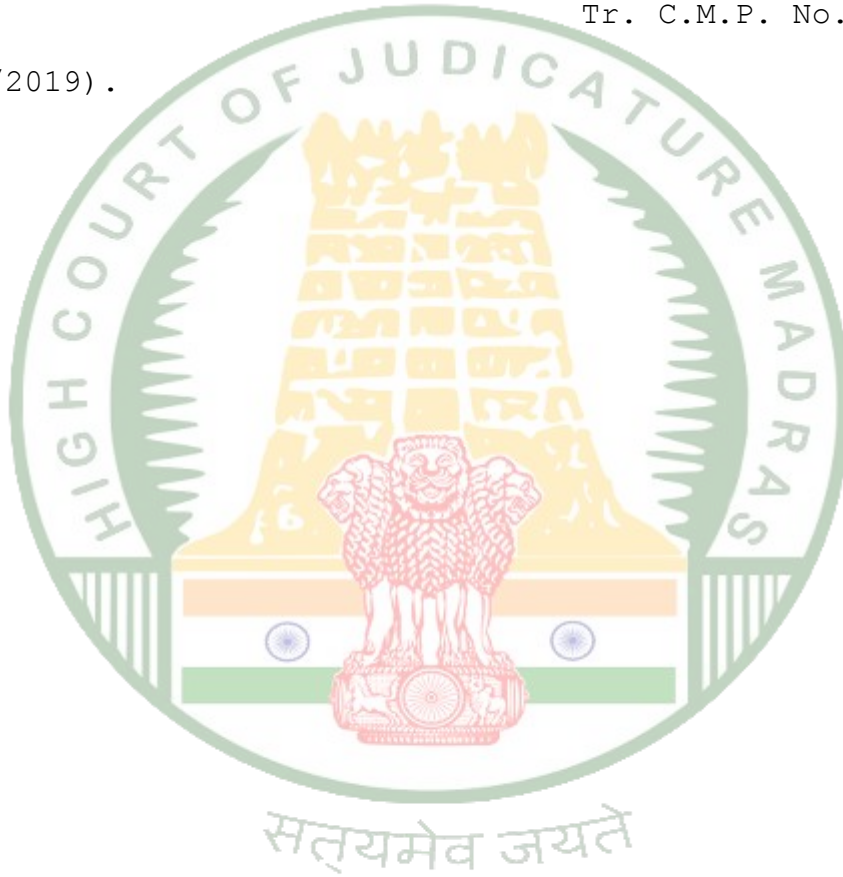
2.The Principal Subordinate Court,
Tiruvannamalai.

+1 cc to Mr.R.Bharath Kumar, Advocate, S.R.No.57098

+1 cc to Mr.V.Prakash Babu, Advocate, S.R.No.56679

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CA(CO)
SSM(19/08/2019).



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