

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.919 of 2018

Revathi
W/o Illayaraja

.. Petitioner

-vs-

R.Illayaraja

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.138 of 2018 on the file of Sub Court, Tirupathur and transfer the same to Sub Court, Ranipet.

For Petitioner :: Mr.G.Rajan

For Respondent :: No appearance

ORDER

Mrs.Revathi, Wife of R.Illayaraja, the respondent herein, having got married on 18.1.2010 at GV Mahal Tirumana Mandapam, Tirupathur, has been blessed with two kids, namely, Danusree and Jegadees. After the birth of these two kids, citing certain reasons, the respondent has filed H.M.O.P.No.138 of 2018 on the file of the Sub Court, Tirupathur seeking restitution of conjugal rights. In the meanwhile, after being driven out of the matrimonial home, the petitioner also has filed D.V.C.No.3 of 2018 on the file of the learned Judicial Magistrate No.II, Walajapet and the same is pending. Besides, she has also filed M.C.No.9 of 2017 under Section 125 Cr.P.C., which is also pending on the file of the learned Judicial Magistrate No.II, Walajapet. Therefore, when the maintenance case and the domestic violence case are pending before the Court at Walajapet, the H.M.O.P.No.138 of 2018 filed by the respondent/husband on the file of Sub Court, Tirupathur, which is more than 60 kms., from Walajapet, be transferred to the Sub Court, Ranipet, so that the matter can be disposed of expeditiously.

2. The Registry record shows that the notice was served upon the respondent on 30.1.2019. Besides, the private notice ordered

by this Court was also served on the respondent on 4.7.2019. In spite of the notice served upon the respondent, he has not entered appearance. That clearly shows that he has no objection for allowing this petition. Secondly, the petitioner is having two minor children. Thirdly, her parents are no more. Fourthly, the distance between Walajapet and Tirupathur is more than 60 kms. Therefore, for these reasons, this Court deems it fit to accept the prayer of the petitioner for transfer. Accordingly, the H.M.O.P.No.138 of 2018 is withdrawn from the file of Sub Court, Tirupathur and transferred to the file of Sub Court, Ranipet for expeditious disposal on merits. The transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.22671 of 2018 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Tirupathur
2. The Subordinate Judge,
Ranipet

+1 cc to Mr.R.Rajarajan, Advocate Sr.No.70723

AKM/16.09.19/2P-4C /

Tr.C.M.P.No.919 of 2018

सत्यमेव जयते

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