

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.931 of 2018

D.Hemavathi .. Petitioner/Respondent

-vs-

D.Sathyaraj .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.102 of 2018 on the file of the learned Subordinate Judge, Arani, Thiruvannamalai District and transfer the same to Family Court, Chennai.

For Petitioner :: Mrs.Uma Vidyapathi

For Respondent :: Mr.R.Rajarajan

ORDER

Mrs.D.Hemavathi, W/o D.Sathyaraj, the respondent herein has come to this Court seeking to withdraw the H.M.O.P.No.102 of 2018 from the file of the learned Subordinate Judge, Arani, Tiruvannamalai District and transfer the same to the Family Court at Chennai, wherein the petition filed by her under Section 9 of the Hindu Marriage Act was disposed of based on the compromise that the respondent has agreed to her prayer for restitution of conjugal rights. However, as the respondent has not restored the matrimonial relationship and is pursuing the H.M.O.P., for dissolution of marriage, the petitioner has come to this Court seeking for transfer of the said petition to the Court at Chennai.

2. Learned counsel for the petitioner also submitted that the petitioner is having a girl child aged about 5 years studying in a school at Chennai. Therefore, with the child, it is not possible for the petitioner to undertake a long journey of 120 kms., from Chennai to Arani.

3. I also agree with the submissions made by the learned counsel for the petitioner. Since the petitioner is blessed with a girl child who is now aged about 5 years and attending

the school at Chennai, it will be difficult for her to travel to Arani or engage a lawyer, as it is far away from the place of residence of the petitioner. Therefore, this Court, accepting the prayer for transfer, allows the transfer civil miscellaneous petition as prayed for, accordingly, the H.M.O.P.No.102 of 2018 is withdrawn from the file of the learned Subordinate Judge, Arani, Tiruvannamalai District and transferred to the II Additional Principal Judge, II Additional Family Court, Chennai for expeditious disposal on merits. Consequently, C.M.P.No.23077 of 2018 is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Arani, Tiruvannamalai District
2. The II Additional Principal Judge
II Additional Family Court
Chennai.

+1cc to Mr.R.Rajarajan, Advocate sr.60172
+2cc to M/s.S.M.Vidyapathi, Advocate sr.61484

Tr.C.M.P.No.931 of 2018

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