



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P.(MD)No.172 of 2019
and C.M.P(MD)No.3965 of 2019

M.Abarna

... Petitioner/Respondent

Vs.

M.Saravanan

... Respondent/ Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the proceedings in HMOP.No.393 of 2018 on the file of the Subordinate Court, Tiruppur and transfer the same to the Subordinate Court, Kumbakonam, Thanjavur District to be heard along with HMOP No. 20 of 2019.

For Petitioner	: Mr.I.Robert Chandrakumar
For Respondent	: No appearance

J U D G M E N T

The above Transfer Civil Miscellaneous Petition is filed to transfer H.M.O.P.No.393 of 2018 from the file of the Subordinate Court, Tiruppur to the file of the Subordinate Court, Kumbakonam, Thanjavur District to be heard along with HMOP No. 20 of 2019.

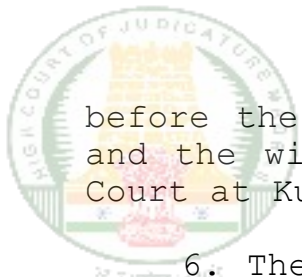
2.Heard the learned counsel for the petitioner. Though the respondent was served, he has not chosen either to appear in person or through counsel. Therefore this Court proceeds to dispose of the petition.

3. The facts in brief are as follows:

The marriage between the respondent and the petitioner was solemnized on 08.07.2012 at Kumbakonam as per the Hindu rites and customs. They are not blessed with any issues. Meanwhile, difference of opinion arose between them and added to that, the petitioner also suffered abuse at the hands of the in-laws on account of the fact she is not able to give birth to a child.

4.The petitioner would submit that the respondent has also not come to the rescue and on the instigation of his family members, he has been subjecting the petitioner to torture.

5. It is seen that after the petitioner and the respondent had parted there has been lot of criminal cases being lodged back and forth. In the meanwhile, the respondent has filed a divorce petition



before the Subordinate Court at Tiruppur in H.M.O.P.No.393 of 2018 and the wife had filed H.M.O.P. 20 of 2019 before the Subordinate Court at Kumbakonam.

6. The petitioner would seek to have HMOP filed by the husband on the file of the Sub Court, Tiruppur transferred since she is totally depending on her aged parents both for financial and moral support. That apart, she has to travel a long distance to attend the hearing before the Subordinate Court, Tiruppur. That apart, the respondent has to appear before the Judicial Magistrate, Kumbakonam in the Domestic Violence case, which was filed by the petitioner/wife against him.

7. Heard the learned counsel for the petitioner and perused papers.

8. Though the marriage has been solemnized at Kumbakonam and the respondent and the petitioner had lastly resided even as per the petition in H.M.O.P.No.393 of 2018 at Chennai, the Court at Tiruppur would therefore not be vested with jurisdiction to try H.M.OP. Be that as it may, considering the fact that the Court at Kumbakonam is conferred with the jurisdiction as the marriage had taken place at Kumbakonam and the petitioner is living therein.

9. Considering all these circumstances, this Court is inclined to issue the following direction

i) The learned Subordinate Judge, Tiruppur, is directed to transmit the entire records in HMOP.No.393 of 2018 to the file of the Subordinate Court, Kumbakonam, Thanjavur District within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Kumbakonam, after obtaining the records on transfer, is directed to try H.M.O.P.No. 393 of 2018 along with H.M.O.P.No20 of 2019 and dispose of the same as expeditiously as possible in accordance with law.

10. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Sub Judge, Tiruppur.

2.The Subordinate Judge, Kumbakonam.

+1 CC to Mr.I.ROBERT CHANDRAKUMAR, Advocate SR-87607.

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