

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.08.2020
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.26 of 2020

Vanitha

.. Petitioner

Versus

K.Sathish

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.30 of 2019 pending on the file of learned Sub-Court, Coonoor, and to transfer the same to the file of learned Sub-Court, Mettupalayam, to be tried along with H.M.O.P.No.98 of 2019.

For Petitioner : Mr.G.Karthikeyan

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. Mrs.Vanitha/petitioner herein, wife of Mr.K.Sathish/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.30 of 2019 from the file of learned Sub-Court, Coonoor, to the file of learned Sub-Court, Mettupalayam, to try along with H.M.O.P.No.98 of 2019 filed by the wife seeking for restitution of conjugal rights. The above said HMOP No.30 of 2019 was filed by the respondent/husband seeking for dissolution of marriage.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 20.05.2018 at RKKR Kalyana Mandapam, Mettupalayam, as per Hindu Rites and Customs, in the presence of well-wishers of both family. At the time of marriage, the respondent/husband was working in Cruzze Solution LLP, Coimbatore, as Software Engineer. After the marriage, she was ill-treated by her husband and therefore, within eight months of marriage, she left the matrimonial home. During the time of marriage, the respondent/husband and his family members have agreed that both the husband and wife would live in

Coimbatore as she is allergic to the climatic condition of Nilgiris. But, after the marriage, they did not do so and after some time, they have dropped the petitioner/wife in her parental home at Mettupalayam. Later-on, the respondent/husband filed H.M.O.P.No..30 of 2019 on the file of learned Sub-Court, Coonoor, seeking for dissolution of marriage. In the said proceedings, apart from filing of counter affidavit, she has also filed I.A.No.1 of 2019 in H.M.O.P.No.30 of 2019 seeking for maintenance. Besides, the petitioner/wife has also filed H.M.O.P.No.98 of 2019 on the file of learned Sub-Court, Mettupalayam, seeking for restitution of conjugal rights and the same is pending. It is further submitted that the travelling time from Mettupalayam to Coonoor is more than 1 hr. 30 minutes by bus due to uphill and therefore, it is not safe for her to travel alone thus far to attend each and every and hearing and on this basis, learned counsel prayed for transferring the case filed by the husband in H.M.O.P.No.30 of 2019 to the file of learned Sub-Court, Mettupalayam, to try along with H.M.O.P.No.98 of 2019 filed by the wife.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Sub-Court, Mettupalayam. Secondly, travelling time by bus from Mettupalayam to Coonoor is more than 1 hr 30 minutes due to uphill and therefore, it will be difficult for her to travel alone thus far to attend each and every hearing. Thirdly, she has also filed H.M.O.P.No.98 of 2019 seeking for restitution of conjugal rights and the same is pending before the learned Sub-Court, Mettupalayam, hence, if the case filed by the husband is transferred, it will be convenient for both parties to conduct the case at one place. Thus, considering the balance of convenience in favour of wife, H.M.O.P.No.30 of 2019 filed by the husband is withdrawn from the file of learned Sub-Court, Coonoor, consequently, transferred to the file of learned Sub-Court, Mettupalayam, to be tried along with H.M.O.P.No.98 of 2019 filed by the wife. On such transfer, learned Sub-Court, Mettupalayam, shall dispose of both the cases together in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.598 of 2020 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rkm

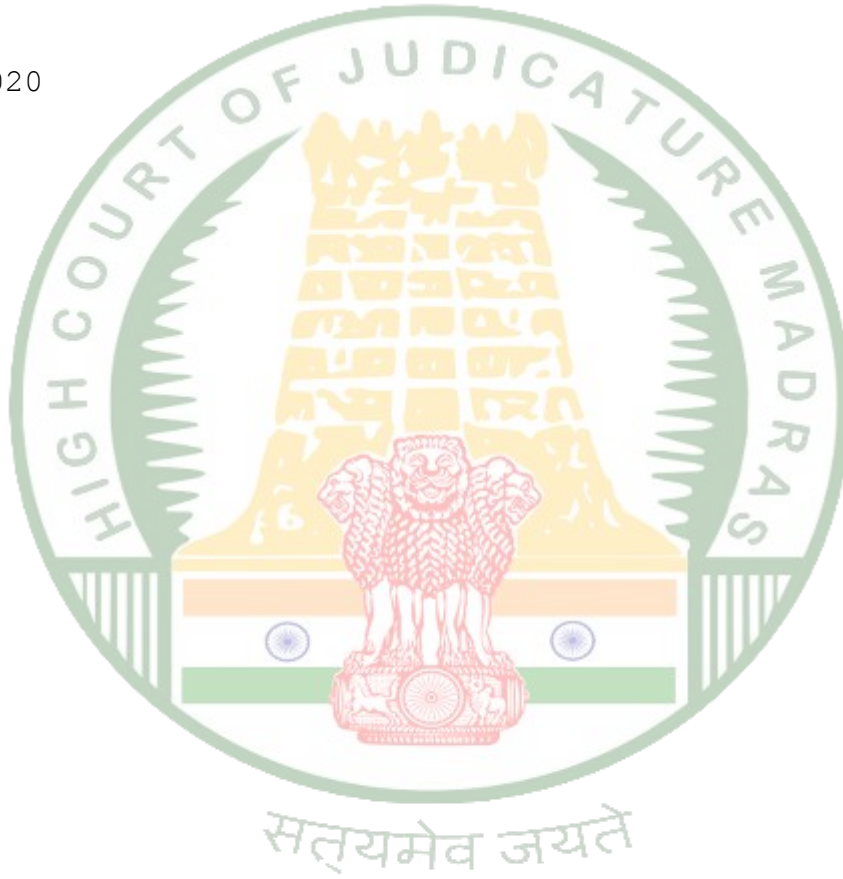
To

1.Sub-Court, Coonoor.

2. Sub-Court, Mettupalayam.

Tr.C.M.P.No.26 of 2020

pp (co)
aa09/09/2020



WEB COPY