

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

TR.C.M.P. NO.88 OF 2020 AND C.M.P. NO.3143 OF 2020

Kannagi

.. Petitioner

-vs-

R.Justin

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw the petition in H.M.O.P. No.63 of 2019 from the Subordinate Court, Madhuranthagam and to transfer the same to the 1st Additional Family Court, Chennai.

For Petitioner : Mr.P.Nagaraju

For Respondent : No appearance

O R D E R

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2.Kannagi, the petitioner herein has filed this petition for transfer of H.M.O.P. No.63 of 2019 pending on the file of the Subordinate Court, Madhuranthagam to the file of the 1st Additional Family Court, Chennai.

3.Learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 29.04.2016 as per the Hindu rites and customs at S.M.J. Marriage Hall, Sengunthapillaiyar Koil Street, Uthiramerur, Kancheepuram District and they were blessed with a male child, who is now two years old. All of a sudden, the respondent started neglecting the petitioner. Therefore, the petitioner came to her parental home and filed a petition for maintenance in M.C. No.625 of 2019 before the 1st Additional Family Court, Chennai. Only after receipt of notice in M.C. No.625 of 2019, the respondent has filed the H.M.O.P. No.63 of 2019 before the Subordinate Court, Madhuranthagam seeking restitution of conjugal rights under Section 9 of the Hindu Marriages Act. Learned counsel for the petitioner would further

submit that when the petitioner lodged a police complaint before the All Women Police Station, Melmaruvathur, in the course of enquiry, the respondent had given an assurance to take back the petitioner along with the child, after making some arrangements, but the same has not been done, which would show that the respondent is not interested in re-union. Learned counsel for the petitioner would further submit that since the petitioner, being a lady, is unable to travel all along from Chennai to Subordinate Court, Madhuranthagam along with the small child, H.M.O.P. No.63 of 2019 be transferred to the file of the I Additional Family Court, Chennai.

4.It is seen that the Court Notice issued by the registry has been served on the respondent. In spite of the same, neither the counsel for the respondent nor the respondent has chosen to appear before this Court, which would show that the respondent is not interested in conducting the case. Therefore, this Court is of the view that the respondent has no objection in allowing this petition seeking transfer. Moreover, the respondent has to go before the I Additional Family Court, Chennai to contest the M.C. No.625 of 2019. Accordingly, the Transfer C.M.P. stands allowed and the H.M.O.P. No.63 of 2019 pending on the file of the Subordinate Court, Madhuranthagam is withdrawn and transferred to the file of the I Additional Family Court, Chennai. The learned I Additional Judge, Family Court, Chennai shall dispose of both the cases expeditiously, on merits and in accordance with law. Consequently, C.M.P. No.3143 of 2020 is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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vga

To

1.The Subordinate Court,
Madhuranthagam.

2.The I Additional Family Court,
Chennai.

Tr.C.M.P. No.88 of 2020

NRL(CO)

NRA(08/12/2020)