

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.36 of 2020

Nandhini

.. Petitioner

-vs-

Azhagarsami

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.155 of 2019 on the file of the learned Principal Subordinate Judge, Tindivanam and transfer the same to the VI Additional Family Court, Chennai.

For Petitioner :: Mr.V.Paarthiban

For Respondent :: No appearance

ORDER

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

2. Mrs.Nandhini, the petitioner herein married Mr.Azhagarsami, the respondent herein on 22.2.2018 at R.T.S.Marriage Hall, Panchavati near Tindivanam. After the marriage, they lived together in the matrimonial home for a short period. Later on the petitioner came to know that the respondent is a drunkard. When the petitioner questioned the said act, the respondent used to throw things against the petitioner and also threatened the petitioner. Therefore, due to the said harassment, the petitioner left the matrimonial home and came to her parental home at Chennai. In view of the long separation, she filed M.C.No.569 of 2019 before the VI Additional Family Court, Chennai and the same is pending. In response to the M.C.No.569 of 2019 and also to escape from the payment of maintenance, the respondent has filed H.M.O.P.No.155 of 2019 before the Principal Sub Court, Tindivanam, Villupuram District seeking restitution of conjugal rights. Learned counsel for the petitioner also stated that the petitioner is pursuing her M.Sc course in Pachaiyappa's College, Chennai and it will be difficult to undertake a long journey to Tindivanam. He further

stated that the petitioner is ready for re-union, therefore, if the restitution petition is transferred to the VI Additional Family Court, Chennai, the parties can sort out and solve the problem.

3. Although the Court notice and private notice have been served on the respondent, none has turned up. That shows that he has no objection for allowing the transfer civil miscellaneous petition.

4. Considering the fact that the petitioner is presently pursuing her post graduate course in Pachaiyappa's College, Chennai and she cannot undertake a long journey from Chennai to Tindivanam coupled with the fact that she is ready for re-union, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.155 of 2019 is withdrawn from the Principal Sub Court, Tindivanam and transferred to the VI Additional Family Court, Chennai for disposal along with M.C.No.569 of 2019 on merits, expeditiously. Consequently, C.M.P.No.1040 of 2020 is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge
Tindivanam, Villupuram District

2. The VI Additional Family Court Judge
Chennai

RSV(CO)
RMP(30/09/2020)

Tr.C.M.P.No.36 of 2020

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