

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.62 of 2020

Abarna
W/o Ramkumar

.. Petitioner

-vs-

Ramkumar
S/o Elayaraj

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.124 of 2019 on the file of the Sub Court, Tambaram and transfer the same to the Sub Court, Uthamapalayam.

For Petitioner :: Mr.Chandraprabu
for M/sThirumalai Kumaran

For Respondent :: Mr.R.Vasudevan for M/s E.Kannadasan

ORDER

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

2. The petitioner-Mrs.Abarna, Wife of Mr.Ramkumar, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the H.M.O.P.No.124 of 2019 from the file of the Sub Court at Tambaram and transfer the same to the Sub Court at Uthamapalayam.

3. Learned counsel appearing for the petitioner submitted that after the marriage was solemnized between the petitioner and the respondent on 4.3.2015 at Maruvarasi Mahal, Cumbum, Theni District, they were blessed with a girl child on 16.1.2016, who is now aged about 4 years. At the time of delivery, the child had some respiratory problem and this was informed to the respondent. But no care was taken for providing the required medical treatment. Therefore, they started living separately. In the meanwhile, the respondent has filed H.M.O.P.No.124 of 2019 under Section 9 of the Hindu Marriage Act

before the Sub Court, Tambaram for restitution of conjugal rights. Since the petitioner is also ready to live with the respondent, if the case is transferred to the Sub Court, Uthamapalayam, no prejudice would be caused to any one.

4. Learned counsel appearing for the respondent, opposing the above prayer, stated that when the respondent/husband is always ready for re-union and equally the petitioner/wife is also ready for re-union, there is no need for transferring the matter from one place to another place, that would also delay the re-union. He also stated that the respondent will proceed to the petitioner's place either on Saturday or Sunday of this week (18.07.2020 or 19.07.2020) and bring back his wife and child to the matrimonial home for leading a normal life.

5. Learned counsel appearing for the petitioner also welcomed this suggestion. If the petitioner feels that Saturday of this week is not auspicious, the respondent can proceed to the petitioner's place on Sunday (19.07.2020).

6. In view of the above, the respondent is at liberty to visit the petitioner's home either on 18.07.2020 or 19.07.2020 and bring back his wife and child to the matrimonial home for leading a happy matrimonial life. With this observation, the transfer civil miscellaneous petition stands disposed of. Consequently, C.M.P.No.2066 of 2020 is closed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Ss

To

1. The Subordinate Judge
Tambaram

Tr.C.M.P.No.62 of 2020

RSV (CO)
GMY (31/07/2020)