

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.134 of 2020

Ramyaprabha .. Petitioner

Versus

R.Karthikeyan .. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.218 of 2019 pending on the file of learned Principal Sub-Court, Tirupur, and to transfer the same to the file of learned Sub-Court, Gopichettipalayam, to be tried along with H.M.O.P.No.107 of 2019.

For Petitioner : Mr.A.Babu
for Mr.B.Vijayakumar

For Respondent : No Appearance

O R D E R

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

2. Mrs.Ramyaprabha/petitioner herein, wife of Mr.R.Karthikeyan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.218 of 2019 from the file of learned Principal Sub-Court, Tirupur, to the file of learned Sub-Court, Gopichettipalayam, to try along with H.M.O.P.No.107 of 2019 filed by the wife seeking for divorce. The above said HMOP No.218 of 2019 was filed by the respondent/husband seeking for divorce.

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 Arulmigu Subramaniay Samy Thirukovil, Pachamalai, Gopi, as per Hindu Rites and Customs, in the presence of well-wishers of both family. After the marriage, the petitioner/wife lived only for 27 days and thereafter, she left the matrimonial home due to some difference of opinion. Subsequently, she has filed domestic violence case in D.V.C.No.4 of 2019 on the file of learned Judicial Magistrate I, Gopichettipalayam, and again, she has also filed H.M.O.P.No.107 of 2019 on the file of learned Sub-Court, Gopichettipalayam, seeking for divorce on

the ground of cruelty. While so, as a counter blast, the respondent/husband has filed H.M.O.P.No.218 of 2019 on the file of learned Principal Sub-Court, Tiruppur, seeking for divorce. Therefore, since two cases filed by the petitioner/wife, namely, D.V.C.No.4 of 2019 and H.M.O.P.No.107 of 2019, are pending at Gopichettipalayam, the case filed by the husband in H.M.O.P.No.218 of 2019 pending on the file of learned Principal Sub-Court, Tiruppur, also may be transferred to the file of learned Sub-Court, Gopichettipalayam, for joint trial at one place.

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, Gobichettipalayam. It is seen that the petitioner and the respondent have filed their respective cases only seeking for divorce and they are not ready for reunion. Therefore, since two cases, namely, D.V.C.No.4 of 2019 and H.M.O.P.No.107 of 2019, filed by the petitioner/wife are pending at Gobichettipalayam, this Court, considering the balance of convenience in favour of wife, is inclined to accept the prayer for transfer. Accordingly, H.M.O.P.No.218 of 2019 filed by the husband is withdrawn from the file of learned Principal Sub-Court, Tiruppur, consequently, transferred to the file of learned Sub-Court, Gopichettipalayam, to be tried along with H.M.O.P.No.107 of 2019 filed by the wife. On such transfer, learned Sub-Court, Gopichettipalayam, 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.4547 of 2020 is closed.

Sd/-
Assistant Registrar(MDU)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judge, Principal Sub-Court, Tiruppur.
2. The Judge, Sub-Court, Gopichettipalayam.

Tr.C.M.P.No.134 of 2020

A.SK(10/09/2020)