

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.83 of 2020 and C.M.P. No.2827 of 2020

C.Sasipriya

.. Petitioner

-VS-

K.Vasanth Shoban

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw the petition in H.M.O.P. No.158 of 2019 pending on the file of the Sub Court, Devakottai and to transfer the same to the VI Additional Family Court, Chennai.

For Petitioner : Mr.E.Maharajan

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.C.Sasipriya, the petitioner herein has filed this petition for transfer of H.M.O.P. No.158 of 2019 pending on the file of the Sub Court, Devakottai to the file of the VI Additional Family Court, Chennai.

3.Learned counsel for the petitioner would submit that while the petitioner pursuing Aeronautical Engineering course at Southern Academy of Maritime Studies, Periyapalayam, Chennai, the respondent studied Marine Engineering in the same college. Subsequently, both were fell in love with each other and interested to marry with the blessings of both sides. Thereafter, the marriage was solemnized on 01.08.2015 at Muthumariamman Temple, Narayanappa Street, Chennai 600 001 as per the Hindu rites and customs and the same was duly registered on the file of the Registrar of Marriage, Chennai North Joint-I on 31.08.2015. After completion of the course, the petitioner joined as a Consultant in Episomse India Private Limited for a meager salary, since the respondent refused to go for any job.

Learned counsel for the petitioner would further submit that unfortunately due to Covid-19 pandemic, the petitioner lost her job. Thereafter, without any reason whatsoever, the respondent deserted the petitioner and rejoined with his parents. Therefore, the petitioner filed a petition in H.M.O.P. No.4464 of 2019 under Section 9 of the Hindu Marriages Act seeking restitution of conjugal rights and the same is pending before the VI Additional Family Court, Chennai. Only during the counselling made in the restitution petition, the petitioner came to know that the respondent has filed a petition in H.M.O.P. No.158 of 2019 seeking divorce before the Sub Court, Devakottai making allegations against her. Learned counsel for the petitioner would further submit that since the petitioner, being a lady, is unable to travel all along from Chennai to Devakottai, which is about 465 kms. for attending the case, H.M.O.P. No.158 of 2019 be transferred to the file of the VI Additional Family Court, Chennai to be tried along with the H.M.O.P. No.4464 of 2019.

4.It is seen that the Court Notice issued by the registry has been returned with an endorsement 'unclaimed'. Private notice has been delivered on 21.02.2020. 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 the view that the respondent has no objection in allowing this petition seeking transfer. Moreover, the respondent has to go before the VI Additional Family Court, Chennai to contest the H.M.O.P. No.4464 of 2019. Accordingly, the Transfer C.M.P. stands allowed and the H.M.O.P. No.158 of 2019 pending on the file of the Sub Court, Devakottai is withdrawn and transferred to the file of the VI Additional Family Court, Chennai. The learned VI Additional Judge, Family Court, Chennai shall dispose of both the cases expeditiously, on merits and in accordance with law. Consequently, C.M.P. No.2827 of 2020 is closed. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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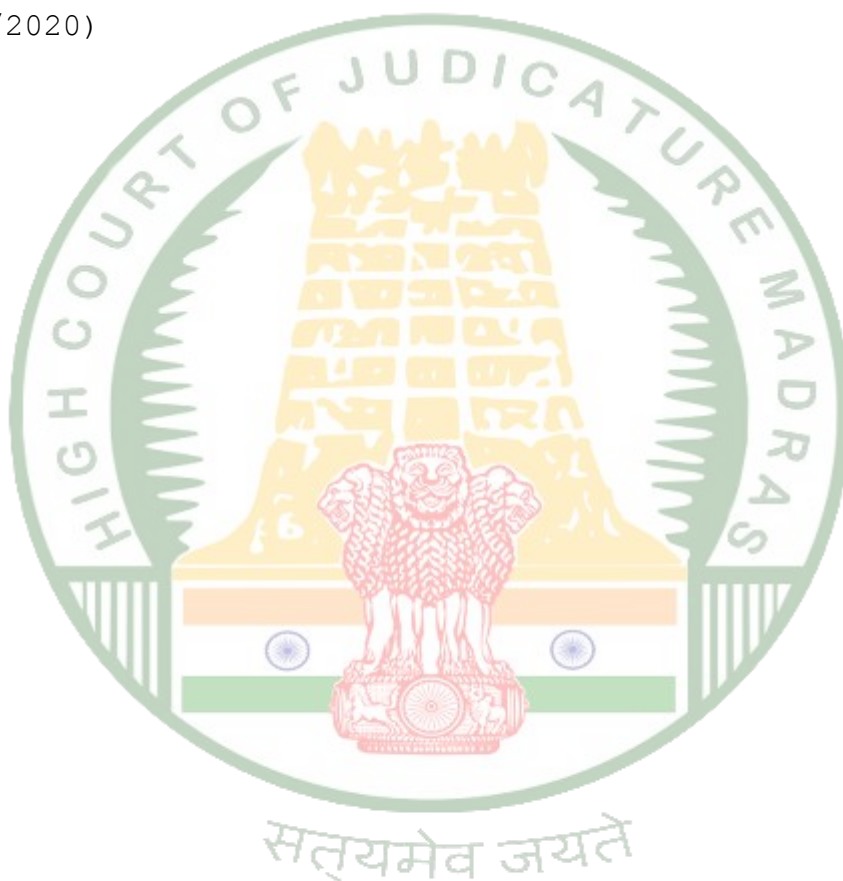
1.The Sub Court,
Devakottai.

2.The VI Additional Family Court,
Chennai.

Tr.C.M.P. No.83 of 2020

NRL (CO)

RMP (06/11/2020)



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