

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.141 of 2020

A.Maha @ Mahalakshmi .. Petitioner/Respondent

-vs-

A.Gautham .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.194 of 2019 on the file of the Sub Court, Palani and transfer the same to the Sub Court, Dharapuram.

For Petitioner :: Mr.P.Kalimuthu

For Respondent :: Mr.S.R.Varun Karthik

ORDER

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

2. The petitioner-Mrs.A.Maha alias Mahalakshmi, Wife of Mr.A.Gautham, the respondent herein has come to this Court seeking transfer of the H.M.O.P.No.194 of 2019 from the file of the Sub Court, Palani to the file of the Sub Court, Dharapuram.

3. Learned counsel appearing for the petitioner submitted that after the solemnization of marriage between the parties on 24.8.2018 at Sree Angala Parameswari Amman Temple, Appipalayam Village, Dindigul District, followed by a reception on 28.8.2018 at Gokul Marriage Hall, Palani Road, Dharapuram, till date, there is no issue born to them. It is also stated that the respondent's father is presently not in India, but is working in Canada as a Professor. But the respondent is owning large extent of lands and also shops and buildings in Dharapuram. It is further stated that the respondent has been earning more than Rs.30 lakhs by way of rental and agricultural income from various properties. The petitioner is a student. When the matter stands as above, the respondent, being afraid of his mother, was all the time hesitant to have relationship with the petitioner and also not interested in family life. When the

respondent's family is a wealthy one, on one fine day i.e., 19.3.2019, the respondent's parents called the petitioner's parents and asked them to take the petitioner to their place. Accordingly, she came back to her parents home. Finally, on account of the domestic violence and mental agony beyond cruelty meted out to her, she filed the case of domestic violence in D.V.A.No.1 of 2020 before the Court of Judicial Magistrate, Dharapuram and the same is pending. Therefore, the H.M.O.P.No.194 of 2019 filed by the respondent for divorce on the file of the Sub Court, Dharapuram may be transferred to the Sub Court, Dharapuram, so that both the matters can be disposed of jointly.

4. Although learned counsel appearing for the respondent sought time to take instructions, when the facts of the case are very clear that the petitioner has already filed D.V.A.No.1 of 2020 before the learned Judicial Magistrate, Dharapuram under the provisions of the Protection of Women from Domestic Violence Act, the respondent has to appear in the said case. Therefore, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.194 of 2019 is withdrawn from the file of the Sub Court, Palani and transferred to the file of the Sub Court, Dharapuram. However, in order to avoid multiplicity of proceedings, the D.V.A.No.1 of 2020 is also withdrawn from the file of the learned Judicial Magistrate, Dharapuram and transferred to the Sub Court, Dharapuram for a common disposal on merits. Consequently, C.M.P.No.4659 of 2020 is closed.

-s/d-

Assistant Registrar(CS-)

True Copy

Sub-Assistant Registrar

To

1. The Subordinate Judge
Palani
2. The Subordinate Judge
Dharapuram
3. The Judicial Magistrate
Dharapuram

nr(co)
krd 18/8

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