

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.147 of 2020 and
C.M.P. No.4930 of 2020

Dr.J.Anu Vidhya

.. Petitioner

-vs-

Dr.D.Suresh Kumar

.. Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw the H.M.O.P. No.37 of 2018 on the file of Sub Court, Kancheepuram and transfer the same to the file of Sub Court, Poonamallee to be tried along with H.M.O.P. No.825 of 2019 on the file of Sub Judge, Poonamallee.

For Petitioner : Mr.Amar D.Pandiya

For Respondents : No appearance

O R D E R

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

2.J.Anu Vidhya, the petitioner herein has filed this petition to withdraw the H.M.O.P. No.37 of 2018 pending on the file of the Sub Court, Kancheepuram and transfer the same to the file of the Sub Court, Poonamallee to be tried along with H.M.O.P. No.825 of 2019 on the file of the Sub Court, Poonamallee.

3.Learned counsel for the petitioner would submit that after the marriage was solemnised on 01.12.2017 at Sangeetha Kalyana Mandapam at Kundrathur Road, Porur, Chennai, the petitioner and the respondent lead a happy married life for some time. Due to work pressure, both the petitioner and the respondent, who were Doctors, had some difference of opinions. While so, during October 2018, the respondent deserted the petitioner without there being any reason. Thereafter, the petitioner has received summons from the Sub Court, Kancheepuram pertaining to H.M.O.P. No.37 of 2018 seeking divorce on the ground of desertion and cruelty. Learned counsel for the petitioner would further submit

that since the petitioner was very much interested in continuing the matrimonial life, she has filed a petition in H.M.O.P. No.825 of 2019 for restitution of conjugal rights before the Sub Court, Poonamallee and the same is pending. Now the respondent has to come for hearing before the Sub Court, Poonamallee. Therefore, if the H.M.O.P. No.37 of 2018 pending before the Sub Court, Kancheepuram is transferred to the file of the Sub Court, Poonamallee, no prejudice would be caused to the respondent.

4.Although notice has been served to the respondent, the same was returned as 'unclaimed', which shows that he has refused to receive the same because the address given by the respondent in the H.M.O.P. No.37 of 2018 and the address shown in the notice sent by the petitioner to the respondent are one and the same, therefore, it could be easily construed that the respondent is not interested in contesting the case. Secondly, the petitioner has also filed a petition in H.M.O.P. No.825 of 2019 seeking restitution of conjugal rights. Therefore, this Court is of the view that no prejudice would be caused to the respondent, if the H.M.O.P. No.37 of 2018 is transferred to the file of the Sub Court, Poonamallee. Accordingly, the Transfer C.M.P. stands allowed and the H.M.O.P. No.37 of 2018 pending on the file of the Sub Court, Kancheepuram is withdrawn and transferred to the file of the learned Sub Judge, Poonamallee, who shall dispose both the petitions expeditiously, on merits and in accordance with law. Consequently, C.M.P. No.4930 of 2020 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Sub Judge, Kancheepuram.

2.The Sub Judge, Poonamallee.

+1cc to M/s.M.Selvam, Advocate in Sr.27621

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RSV (CO)

RV (11/09/2020)