

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.430 of 2020

Nivetha @ Revathi
W/o Mr.Venkatesan

..Petitioner/Respondent

-vs-

Venkatesan, S/o Selvarasu

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.66 of 2019 pending before the Sub Court, Jayankondam and transfer the same to the Sub Court, Thiruvarur to hear with H.M.O.P.No.148 of 2019 pending before Sub Court, Thiruvarur.

For Petitioner :: Mr.P.Thiagarajan
For Respondent :: Mr.R.Sivaraman

ORDER

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

2. The petitioner, Mrs.Nivetha @ Revathi, W/o Mr.Venkatesan, the respondent herein has come to this Court seeking an order for withdrawal of the H.M.O.P.No.66 of 2019 from the file of the Sub Court, Jayankondam and transfer the same to the file of the Sub Court, Thiruvarur to be tried along with the pending H.M.O.P.No.148 of 2019 filed by the petitioner seeking restitution of conjugal rights.

3. Learned counsel appearing for the petitioner submitted that after the marriage was solemnized between the parties on 19.1.2018 at Deva Mahal, Karadikulam, T.Palur Road, Jayankondam, as per the Hindu rites and customs, the respondent/husband went to Dubai leaving the petitioner to live with her parents. Due to some misunderstanding arose in the matrimonial home, parties have separated, as a result, the respondent filed the H.M.O.P.No.66 of 2019 on the file of the Sub Court, Jayankondam under Section 13(1)(i-a) of the Hindu Marriage Act seeking divorce. The petitioner has also filed the H.M.O.P.No.148 of 2019 on the file of the Sub Court, Thiruvarur seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. He also stated that the petitioner has also filed

a petition seeking maintenance in M.C.No.20 of 2019 before the learned Chief Judicial Magistrate, Thiruvarur. Since the petitioner is working in the Public Works Department office at Thiruvarur, she has been advised to move this transfer civil miscellaneous petition with the aforesaid prayer.

4. When the matter was taken up, after some deliberations, it is represented that the parties have agreed to live together. Now the respondent has come down from Dubai and he is working in Tiruppur. The respondent has also filed an affidavit expressing his willingness to live together with the petitioner.

5. However, Mr.P.Thiagarajan, learned counsel appearing for the petitioner requested this Court to refer the matter to the Sub Court, Thiruvarur with a direction to both the parties to appear on a specified date before the said Court and make a joint request, on the basis of which they can go for re-union.

6. Mr.R.Sivaraman, learned counsel appearing for the respondent submitted that the respondent is also ready for re-union and he also stated that the H.M.O.P.No.66 of 2019 filed by the respondent before the Sub Court, Jayankondam has been now transferred to the file of the Family Court, Ariyalur and renumbered as F.C.O.P.No.145 of 2020. He also requested this Court to withdraw and transfer the case in M.C.No.20 of 2019 from the file of the learned Chief Judicial Magistrate, Thiruvarur to the file of the Sub Court, Thiruvarur to enable the Sub Court, Thiruvarur to take up all the matters together.

7. Having heard learned counsel for the parties, this Court, while withdrawing the F.C.O.P.No.145 of 2020 from the file of the Family Court, Ariyalur and also the M.C.No.20 of 2019 from the file of the learned Chief Judicial Magistrate, Thiruvarur and transferring both the matters to the file of the Sub Court, Thiruvarur, where the H.M.O.P.No.148 of 2019 filed by the petitioner seeking restitution of conjugal rights is already pending, hereby directs both the petitioner and the respondent to appear in person before the learned Subordinate Judge, Thiruvarur on 29.10.2020 and file individual affidavits of willingness for reunion and on their personal appearance, the learned Subordinate Judge, Thiruvarur shall pass appropriate orders in the matters, after taking on record the affidavits filed by both parties, regarding the re-union. With this direction, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.9072 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

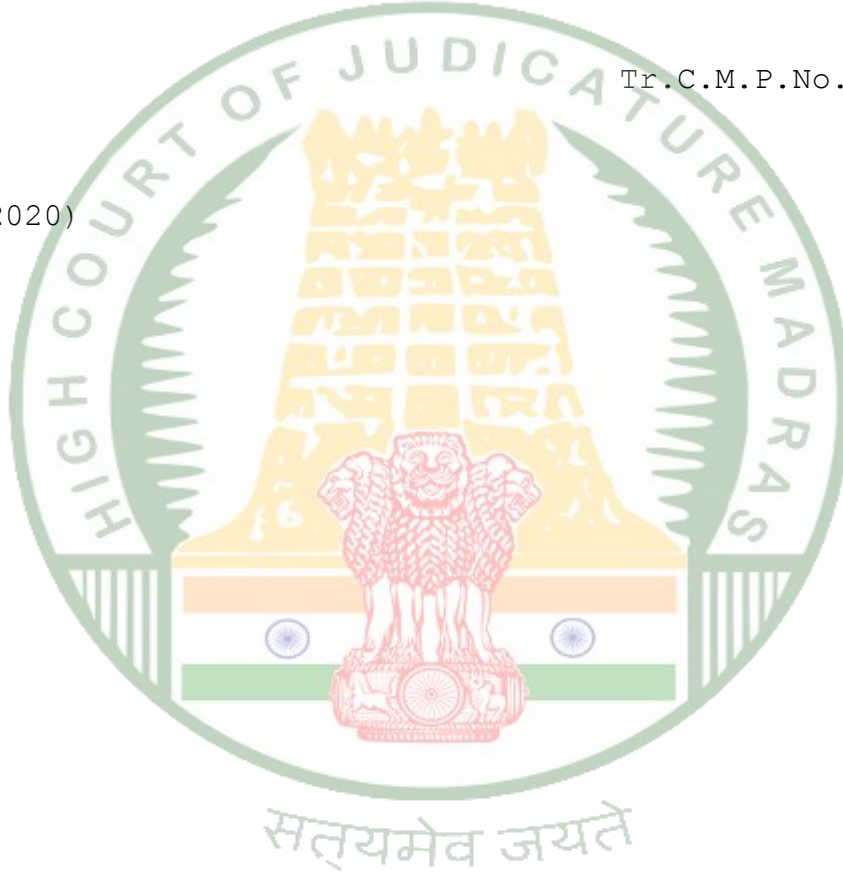
To

1. The Family Court Judge
Ariyalur
2. The Chief Judicial Magistrate
Thiruvarur
3. The Subordinate Judge
Thiruvarur

+1cc to Mr.R.Sivaraman, Advocate in SR.NO..33689

Tr.C.M.P.No.430 of 2020

PVS (CO)
RV (09/11/2020)



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