

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.154 of 2020

Aarthi

.. Petitioner

-vs-

S.Shiva

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.258 of 2019 on the file of the Sub Court, Kanchipuram and transfer the same to the Sub Court, Chidambaram.

For Petitioner :: Mr.V.M.Venkataramana
For Respondent :: No appearance

ORDER

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

2. The petitioner-Mrs.Aarthi, Wife of Mr.S.Shiva, the respondent herein has come to this Court seeking withdrawal of the H.M.O.P.No.258 of 2019 from the file of the Sub Court, Kanchipuram and transfer the same to the file of the Sub Court, Chidambaram.

3. Learned counsel appearing for the petitioner submitted that after the marriage between the parties was solemnized on 29.8.2016, as per Hindu rites and customs at Raj Mahal, Naal Road, Kumbakonam, they were living happily and out of the wedlock, they were blessed with a female child, namely, S.Akshaykeerthi on 11.7.2017. Their marriage was an arranged one. The petitioner is a M.E. Graduate and the respondent was working in Hyderabad. Now the respondent claims that he is working in Bangalore. Later on, the petitioner came to know that the respondent is only a Diploma holder and is also not having a permanent job. Besides, he is an alcoholic and a chain smoker. When the petitioner was working, she used to transfer the money to the respondent's bank account whenever he asked for the same. But she resigned the job during her fifth month of pregnancy. Thereafter, the respondent used to pressurize the petitioner to

give away her gold jewels and thus the problem started. When the matter stands as above, the respondent got separated and filed the H.M.O.P.No.258 of 2019 seeking restitution of conjugal rights on the file of the Sub Court, Kanchipuram. As the petitioner and her family members are residing in Kattumannarkoil, Cuddalore District, it will be difficult to undertake a long journey along with her daughter to the Sub Court, Kanchipuram. Therefore, it was pleaded that the matter may be transferred to the Sub Court, Chidambaram.

4. No one appears for the respondent although service on the respondent is complete.

5. Admittedly, the petitioner is having a three year old daughter and living with her parents in Kattumannarkoil, Cuddalore District. When the respondent is working outside the State of Tamil Nadu, whether the matter is tried by the Sub Court, Kanchipuram or the Sub Court, Chidambaram would not be a matter. Besides, there is a surge in Corona virus infected patients in Kanchipuram. Therefore, it is safer for both the parties to contest the case before the Sub Court, Chidambaram. Accordingly, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.258 of 2019 is withdrawn from the file of the Sub Court, Kanchipuram and transferred to the file of the Sub Court, Chidambaram for an expeditious disposal on merits. Consequently, C.M.P.No.5159 of 2020 is closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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To

1. The Subordinate Judge
Kanchipuram

2. The Subordinate Judge
Chidambaram

Tr.C.M.P.No.154 of 2020

RSV(CO)

RMP(30/09/2020)