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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.208 of 2020
and C.M.P. No.6290 of 2020

A.Gayathri

... Petitioner

-vs-

M.Arivazhagan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw and transfer the H.M.O.P. No.160 of 2019 pending on the file of the Subordinate Judge at Thiruvarur to be heard and disposed of by the Subordinate Judge, Mailaduthurai.

(Prayer amended vide Court order dated 14.07.2020 made in C.M.P. No.7431 of 2020 in Tr.C.M.P. No.208 of 2020 by TRJ)

For Petitioner : Mr.A.Praveenkumar

For Respondent : No appearance

O R D E R

A.Gayathri, the petitioner herein has filed this petition for transfer of H.M.O.P. No.160 of 2019 pending on the file of the Subordinate Court, Thiruvarur to the file of the Subordinate Court, Mailaduthurai.

2.Learned counsel for the petitioner would submit that after solemnisation of marriage between the petitioner and the respondent on 15.07.2012 at P.R.M. Thirumana Mandapam, Thiruvarur, according to Hindu rites and customs, the petitioner lived in her matrimonial home at Ilavangudi Pavithramanikkam, Thiruvarur District. Due to difference of opinion arose between themselves, the respondent has not taken care of the petitioner. Although during the pregnancy there was no support in her matrimonial home, the petitioner used to go alone even for her check-ups and they were blessed with a female child namely, Shalini on 01.11.2013. Thereafter, the respondent filed a petition for restitution of conjugal rights in H.M.O.P. No.160 of 2019 before the Subordinate Court, Thiruvarur. As the petitioner has been working in Sirkali, she was not able to



travel from Sirkali to Thiruvarur, which will be 3 hours journey and she is ready for re-union.

3. Although notice was served on the respondent, no appearance on his behalf either through counsel or by himself.

4. Since the petitioner is willing for re-union and the respondent has no permanent job for eking his livelihood, this Court finding balance of convenience in her favour, is inclined to transfer the petition. Hence, the H.M.O.P. No.160 of 2019 pending before the Subordinate Court, Thiruvarur is transferred to the file of the Subordinate Court, Mayiladuthurai. Accordingly, this petition is disposed of directing the parties to appear before the Subordinate Court, Mayiladuthurai. List the matter before the Subordinate Court, Mayiladuthurai on 05.11.2020 and the said Court is directed to take up the case and consider the petition for restitution on the said date, since both the parties are agreeable for re-union. The petitioner is given liberty to inform the respondent for his appearance. Consequently, M.P. No.6290 of 2020 is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Thiruvarur.

2. The Subordinate Judge,
Mayiladuthurai.

+1cc to Mr.P.Anbarasan, Advocate Sr.35364

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srg 04/11/2020