

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.07.2020
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.182 of 2020

S.Priyadarshini

.. Petitioner

Versus

R.Vignesh

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.289 of 2018 pending on the file of Sub-Court, Kanchipuram, and to transfer the same to the file of learned Sub-Court, Sivakasi.

For Petitioner : Mr.R.Govindaraj

For Respondent : No Appearance

ORDER

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.289 of 2018 from the file of learned Sub-Court, Kanchipuram, to the file of learned Sub-Court, Sivakasi. The above said HMOP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 06.07.2016 at Sri Nindranarayaperumal Temple, Thiruthangal, as per the Hindus Rites and Customs. Soon after the marriage, the petitioner/wife was ill-treated by the respondent/husband and his family members, as a result, she was driven out from the matrimonial home and she is presently living with her parents at Thiruthangal. Thereafter, the respondent/husband has filed H.M.O.P.No.289 of 2018 on the file of learned Sub-Court, Kanchipuram, seeking for restitution of conjugal rights. The petitioner/wife has filed the counter affidavit in the above said HMOP. It is stated that as the petitioner/wife is not having independent income and that she is depending on her parents' income, it is difficult for her to undertake long journey from Thiruthangal to Kanchipuram, which is more than 550 kms., to attend each and every hearing. On this basis, learned counsel prayed for

transferring the case filed by the husband to the file of learned Sub-Court, Sivakasi.

4. Although Court notice is served on the respondent/husband long time back, none appears for him, that shows that he has no objection in transferring the case to the file of learned Sub-Court, Sivakasi. Secondly, the distance between Sivakasi and Kanchipuram is more than 550 kms., and therefore, it is not safe for her to undertake such a long journey to attend each and every hearing. Thirdly, in Kanchipuram, the spread of COVID-19 is alarming and therefore, visit to Kanchipuram to attend the hearing at this trying time is also not safe to her. Therefore, considering the balance of convenience in favour of the petitioner/wife, H.M.O.P.No.289 of 2018 filed by the husband is withdrawn from the file of learned Sub-Court, Kanchipuram, consequently, transferred to the file of learned Sub-Court, Sivakasi. On such transfer, learned Sub-Court, Sivakasi, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.5868 of 2020 is closed.

Sd/-

Assistant Registrar(CO MDU)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Judge, Sub-Court, Kanchipuram.
2. The Judge, Sub-Court, Sivakasi.

सत्यमेव जयते

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A.SK(03/09/2020)

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