

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.414 of 2020

Mrs.Akshaya @ C.Maniarasi

.. Petitioner

Versus

Mr.P.Kumaresan

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.11 of 2020 pending on the file of learned Sub-Court, Poonamallee, and to transfer the same to the file of learned Subordinate Court, Trichy.

For Petitioner : Ms.V.Divia Bharathi

For Respondent : Mr.D.Bennington

O R D E R

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

2. Mrs.Akshaya@C.Maniarasi/petitioner herein, wife of Mr.P.Kumaresan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.11 of 2020 from the file of learned Sub-Court, Poonamallee, to the file of learned Family Court, Trichy. 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 12.09.2019 at Arulmighu Subramaniya swamy temple, Nagapattinam, as per Hindu Rites and Customs. However, within 10 days of marriage, she noticed her husband illegal relationship with one divorcee by name Mrs.Rahini from the Whatsapp conversations found in the respondent's mobile. Therefore, when she enquired about the same, problem started arising between the husband and wife and thereafter, the petitioner/wife left the matrimonial home. Subsequently, she received a summon from the learned Subordinate Court, Poonamallee, in H.M.O.P.No.11 of 2020 filed by her husband praying restitution of conjugal rights. It is further submitted that as the husband is having illegal relationship with one Mrs.Rahini, a divorcee, having 9 years old child, she is not

interested in accepting the reunion and she wants to contest the case and therefore, she filed present transfer petition seeking to transfer the said HMOP to the file of learned Family Court, Trichy. It is further argued that the wife has already filed domestic violence case in D.V.No.108 of 2019 against the respondent/husband and his family members under Sections 12, 17, 18, 20 and 22 of the Domestic Violence Act, 2005, and the same is pending on the file of learned Additional Mahila (JM) Court, Trichy. Therefore, if the above said HMOP is transferred, it will be convenient for the respondent/husband to conduct both cases at one place.

4. Learned counsel for the respondent/husband submitted that within two months of marriage, the petitioner/wife left the matrimonial home and therefore, the respondent/husband has filed by the above said HMOP seeking for restitution of conjugal rights. However, since the petitioner/wife is not ready for reunion, H.M.O.P.No.11 of 2020 pending on the file of learned Sub-Court, Poonamalle, may be transferred to the file of learned Family Court, Trichy, so that both cases can be clubbed together. It is further submitted that in view of prevailing situation of COVID-19, it is not safe to undertake long travel from Chennai to Trichy to attend each and every hearing and therefore, the respondent/husband may be permitted to attend the hearing through Video Conferencing.

5. Recording the above said submission of the learned counsel for the respondent/husband, H.M.O.P.No.11 of 2020 filed by the husband is withdrawn from the file of learned Sub-Court, Poonamallee, consequently, transferred to the file of learned Family Court, Trichy. Besides, for the balance of convenience of both parties, D.V.C.No.108 of 2019 pending on the file of learned Additional Mahila (JM) Court, Trichy, is transferred to the file of learned Family Court, Trichy. Secondly, taking note of prevailing circumstances of COVID-19 pandemic all over the world, the parties are permitted to attend the proceedings virtually and accordingly, they are directed to furnish a list of witnesses and on receipt of the same, learned Family Court, Trichy, shall make an arrangement for Virtual Court Proceedings and dispose of both the cases together 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.7837 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.Sub-Court, Poonamalle.

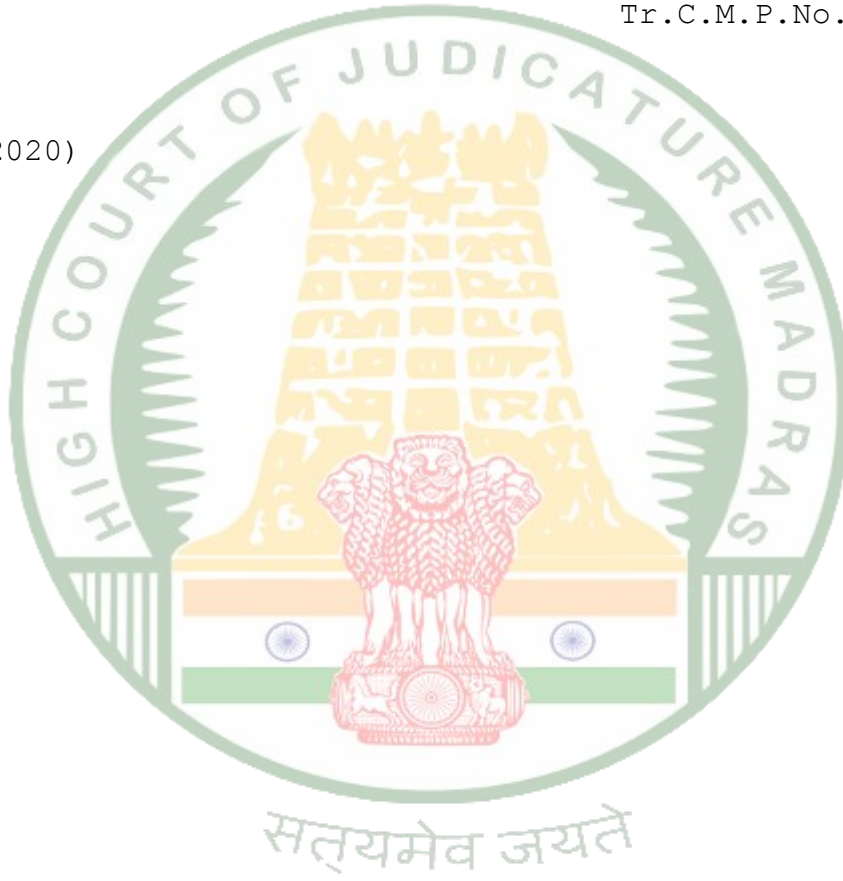
2. Family Court, Trichy.

3.Additional Mahila (JM) Court, Trichy.

+1cc to Mr.D.Bennington, Advocate in SR.NO..30659

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GJ(CO)
RV(06/10/2020)



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