

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.417 of 2020 and
CMP.No.7907/2020

J.Sangeetha

..Petitioner/Petitioner

-vs-

D.Kesava Kailash

...Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.166/2020 on the file of the Principal Sub-Court, Poonamallee and transfer to the jurisdiction of the Principal Judge, Family Court, Chennai.

For Petitioner :: Ms.P.T.Ramadevi
For Respondent :: Mr.B.Gandhi

ORDER

The matter was taken up through video conferencing due to the Covid-19 pandemic.

2. The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the H.M.O.P.No.166/2020 on the file of the Principal Sub-Court, Poonamallee and transfer the same to any court within the jurisdiction of the learned Principal Judge, Family Court, Chennai.

3. Learned Counsel appearing for the petitioner submitted that the marriage between the petitioner and the respondent was solemnized on 10.03.2017 at Shanthi Shesha Mahal, S.S.Complex, No.72, Perambur, Red Hills Road, Lakshmipuram, Kolathur, Chennai-9. Out of the said wedlock, they do not have any issue. After 9 months of the marriage, they have shifted to a rental house at No.1B, Secretariat Colony, Lakshmipuram, Kolathur, Chennai-99. Ten months thereafter, they have again changed their residence to No.2, Muthuthottam 2nd Street, Kodambakkam, Chennai-600 048. It is further pleaded that since the respondent husband was arrogant, he used to compare her with others and utter filthy and unparliamentary words besides sometimes beating her severally. Further, the respondent

husband is also used to make allegation that the petitioner is having illegal affair with others. Therefore, the petitioner has left for her parental home and she is presently residing in Kolathur, Chennai. In the meantime, the respondent-husband has filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on the file of the Principal Sub-Court, Poonamallee in HMOP.No.166/2020, but, the petitioner-wife is not ready for restitution of conjugal rights. She wants transfer of the HMOP.No.166/2020 from the file of the learned Principal Subordinate Judge, Poonamallee to any court within the jurisdiction of the learned Principal Judge, Family Court, Chennai.

4. At the outset, this Court is unable to find any merit in the submissions of the learned Counsel for the petitioner. The reason being that when the petitioner is residing in Kolathur, Chennai, it is not known how she can complain that she is unable to undertake 25 kms. travel from her residence at Kolathur to Poonamallee Sub-Court. Secondly, in view of the Covid-19 pandemic situation in Chennai, now-a-days, the public at large are found it difficult to come to Chennai. Thirdly, though the respondent husband has filed a petition seeking restitution of conjugal rights, the petitioner wife has not filed any petition seeking divorce. Therefore, I find no merit in the present Transfer Civil Miscellaneous Petition filed by the petitioner wife.

5. In the result, the Transfer CMP stands dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To
The Principal Subordinate Judge, Poonamallee.

+1cc to M/s.P.T.Ramadevi, Advocate, Sr.No.29312

Tr.C.M.P.No.417 of 2020

bs (co)
rr ii (28/09/2020)