

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.421 of 2020

Prabha		.. Petitioner
	Versus	
Radhakrishnan		.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw M.O.P.No.55 of 2020 pending on the file of learned Sub-Court, Hosur, and to transfer the same to the file of learned Family Court, Karur, to try along with H.M.O.P.No.29 of 2020.

For Petitioner : Mr.S.Vinothkumar
For Respondent : No Appearance

O R D E R

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

2. Mrs.Prabha/petitioner herein, wife of Mr.Radhakrishnan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer M.O.P.No.55 of 2020 from the file of learned Sub-Court, Hosur, to the file of learned Family Court, Karur. The above said MOP was filed by the respondent/husband seeking for divorce.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 30.01.2019 at Arulmigu Koodalagar Thirukoil, Madurai, as per Hindu Rites and Customs, in the presence of well-wishers of both family. Even before the marriage, the petitioner/wife has disclosed about her first marriage with one Mr.Saravanan. But, keeping in mind of her first marriage, the respondent/husband started harassing the petitioner/wife. It is further submitted that while the petitioner/wife was staying in the matrimonial home, she came to know from the discharge summary that the respondent/husband also a married person. Subsequently, when she questioned the same, she was harassed and tortured by the respondent/husband. Thereafter, he filed M.O.P.No.55 of 2020 under Section 13(1)(i-

a) of the Hindu Marriage Act, 1955, on the file of learned Sub-Court, Hosur, seeking for divorce. On the other hand, seeking restitution of conjugal rights, wife has also filed H.M.O.P.No.29 of 2020 on the file of learned Family Court, Karur, and the same is pending. It is further submitted that as the distance between Karur and Hosur is more than 250 kms., it is not possible for her to travel thus far to attend each and every hearing, hence, the case filed by her husband may be transferred to the learned Family Court, Karur, for joint disposal of both cases at one Court.

4. No representation for the respondent/husband. Learned counsel for the petitioner/wife, by referring to paragraph No.6 of the counter affidavit, stated that the husband has also agreed for transfer of case filed by him to the file of learned Family Court, Karur, for joint disposal of both cases at one Court. In the counter affidavit, husband has also averred that due to prevailing situation of COVID-19 pandemic, he may be permitted to avail virtual court proceedings.

5. Recording the stand taken by the husband in the counter affidavit and also taking note of the pendency of case filed by the wife in H.M.O.P.No.29 of 2020 on the file of learned Family Court, Karur, seeking for restitution of conjugal rights, this Court is inclined to allow the prayer for transfer filed by the wife. Accordingly, accepting the balance of convenience in favour of the wife, M.O.P.No.55 of 2020 filed by the husband is withdrawn from the file of learned Sub-Court, Hosur, consequently, transferred to the file of learned Family Court, Karur, to try along with H.M.O.P.No.29 of 2020 filed by the wife. On such transfer, learned Family Court, Karur, shall dispose of both the cases together in the manner known to law as expeditiously as possible.

6. With regard to Virtual Court Proceedings, considering the prevailing situation of COVID-19 pandemic, the request of parties to attend the proceedings virtually is accepted and the parties are directed to furnish a list of witnesses and on receipt of the same, learned Family Court, Karur, shall make an arrangement for Virtual Court Proceedings. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected civil miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

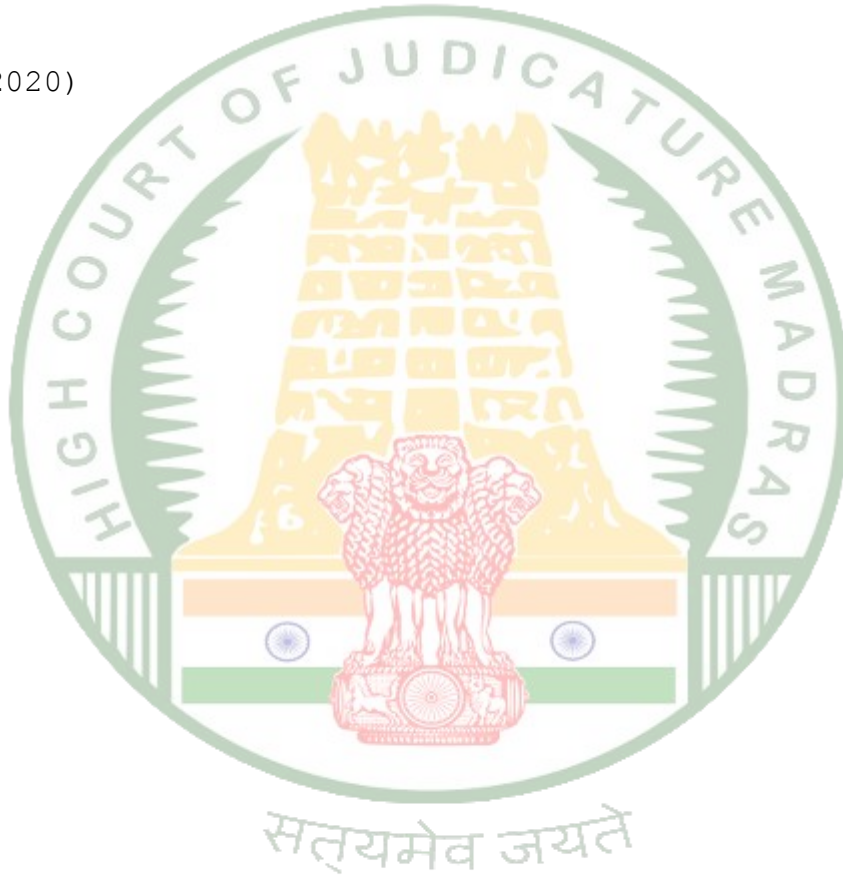
1.Sub-Court, Hosur.

2.Family Court, Karur.

+1 CC to Mr.G. Muruganantham, Advocate sr 29526.

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SSV(CO)
SP(16/10/2020)



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