

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.453 of 2020
and C.M.P. No.10309 of 2020

L.Shobana

...Petitioner

-vs-

G.Prakash

...Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP.No.101 of 2019 on the file of the Sub-Court, Arani and transfer the same to the file of the Sub-Court, Arakkonam to be tried along with O.P.No.139/2019 pending on its file.

For Petitioner : M/s.J.Prithivi
For Respondent : Mr.G.Palanikumar

O R D E R

The Transfer C.M.P. has been filed seeking to withdraw HMOP.No.101 of 2019 on the file of the learned Subordinate Judge, Arani and transfer the same to the file of the learned Subordinate Judge, Arakkonam to be tried along with O.P.No.139/2019 pending on its file.

2.Learned counsel appearing for the petitioner-wife would submit that after solemnization of the marriage on 14.06.2017, although the parties were living happily, due to trivial difference of opinion, they got separated. Now the respondent is working in Hosur whereas the petitioner is residing with her widowed mother at Ranipet District. While so, the respondent husband has filed HMOP.No.101/2019 before the learned Subordinate Judge, Arani seeking dissolution of the marriage that took place between the parties on 14.06.2017. However, the petitioner-wife has filed OP.No.139/2019 before the learned Subordinate Judge, Arakonam under Section 9 of the Hindu Marriage Act seeking restitution of the conjugal rights and the same is also pending. Now the respondent husband who is working in Hosur has to appear before the Subordinate Court, Arakonam to answer the prayer for restitution of conjugal rights. Therefore, if the HMOP.No.101/2019 pending on the file of the Subordinate Judge, Arani is transferred to the file of the

learned Subordinate Judge, Arakonam, no prejudice would be caused to the respondent husband. Moreover, both the matters can be tried together. The learned Counsel further submitted that the petitioner wife who is not having any support except her widowed mother, cannot travel from her native place at Chinnakammappalayam, Walajah Taluk, Ranipet District to Arani because the distance between both these places is 100 kms. Moreover, it will be easy for the respondent husband who is working in Hosur to come to Arakonam which is well connected by road and train facilities. Therefore, the learned Counsel for the petitioner prays to allow the present Transfer CMP.

3. Heard the learned Counsel for the respondent husband.

4. This Court also finding the balance of convenience in favour of the petitioner wife who has filed a petition in OP.No.139/2019 before the learned Subordinate Judge, Arakonam, seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, is inclined to allow the present Transfer CMP. Accordingly, the Tr. C.M.P. is allowed and the HMOP.No.101 of 2019 on the file of the learned Subordinate Judge, Arani is withdrawn and the same is transferred to the file of the learned Subordinate Judge, Arakonam to be tried along with O.P.No.139/2019 pending on its file.

5. The learned Subordinate Judge, Arakonam, is directed to take up both the cases together and dispose of the same expeditiously in the manner known to law. Consequently, connected CMP is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Arani.
2. The Subordinate Judge, Arakonam.

+1cc to Mr.S.Kaithamalai kumaran, Advocate, S.R.No.35261

Tr. C.M.P. No.453/2020

NRL(CO)
RV(27/11/2020)