

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.625 of 2019

M.Revathy

... Petitioner

Versus

K.Harikrishnan @ Prem Kumar

... Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.2292 of 2019 pending on the file of learned Additional Family Court No.III at Chennai and to transfer the same to the file of learned Sub-Court, Cheyyar, Thiruvannamalai District, to be tried along with H.M.O.P.No.90 of 2019 pending on the file of learned Sub-Court, Cheyyar.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : No Appearance

ORDER

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

2. Mrs.M.Revathy/petitioner herein, wife of Mr.K.Harikrishnan@Prem Kumar/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.2292 of 2019 from the file of learned III Additional Family Court, Chennai, to the file of learned Sub-Court, Cheyyar, Thiruvannamali District, to try along with H.M.O.P.No.90 of 2019 filed by the wife seeking for restitution of conjugal rights. The above said HMOP No.2292 of 2019 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 19.10.2018 at Kamarajar Nootrandu Maligai, Perambur, Chennai, as per Hindu Rites and Customs, in the presence of well-wishers of both family. From the date of marriage, they were not living happily and the

respondent/husband has created rumor saying that his wife was not interested in marriage life. Finally, due to such difference of opinion, the respondent/husband has filed H.M.O.P.No.2292 of 2019 on the file of learned III Additional Family Court, Chennai, seeking for divorce. Subsequently, the petitioner/wife has also filed H.M.O.P.No.90 of 2019 on the file of learned Sub-Court, Cheyyar, seeking for restitution of conjugal rights. It is further submitted that the distance between Cheyyar and Chennai is more than 120 kms., and therefore, it will be difficult for the petitioner/wife to travel thus far to attend each and every hearing. Therefore, if the case filed by the husband is transferred to the file of learned Sub-Court, Cheyyar, it will be convenient for both parties to conduct both cases at one Court, as the respondent/husband has not filed transfer petition seeking transfer of the case filed by the wife.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Sub-Court, Cheyyar. Secondly, the petitioner/wife has also filed H.M.O.P.No.90 of 2019 seeking for restitution of conjugal rights and the same is pending before the learned Sub-Court, Cheyyar, but, seeking transfer of the said case, the husband has not filed transfer petition and therefore, he has to appear before the learned Sub-Court, Cheyyar, whenever called for. Thirdly, the distance between Cheyyar and Chennai is more than 120 kms. and therefore, it is not feasible for the petitioner/wife to undertake such a long journey to attend each and every hearing, that too, at this difficult time, due to COVID-19 pandemic. Thus, considering the balance of convenience in favour of wife, H.M.O.P.No.2292 of 2019 filed by the husband is withdrawn from the file of learned III Additional Family Court, Chennai, consequently, transferred to the file of learned Sub-Court, Cheyyar, to be tried along with H.M.O.P.No.90 of 2019 filed by the wife. On such transfer, learned Sub-Court, Cheyyar, shall 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.18060 of 2019 is closed.

sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

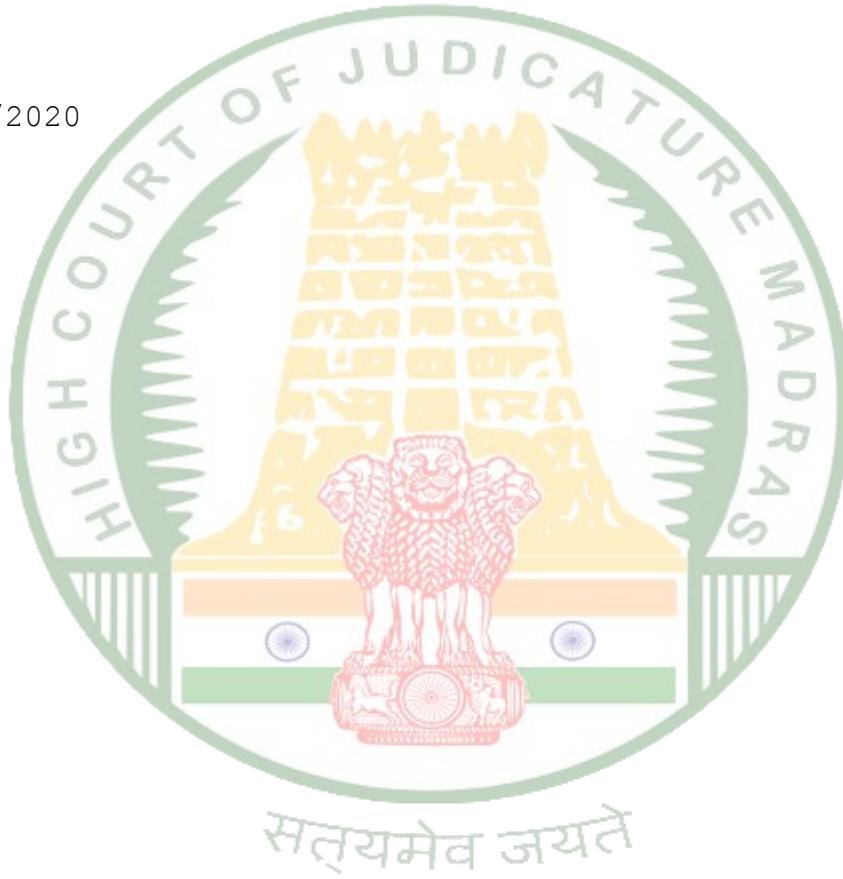
To

1.The Sub-Court,
Cheyyar.

2.The III Additional Family Court,
Chennai.

Tr.C.M.P.No.625 of 2019

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srg 25/09/2020



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