

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1034 of 2019 and
C.M.P. No.27565 of 2019

Manju

...Petitioner

vs.

Anbarasan

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.65/2019 pending on the file of First Additional Sub Court, Villupuram and transfer the same to Sub Court, Tiruvannamalai.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.B.Ram Prasath

O R D E R

The present Transfer Civil Miscellaneous Petition has been filed, to withdraw H.M.O.P. No.65/2019, pending on the file of First Additional Sub Court, Villupuram and transfer the same to Sub Court, Tiruvannamalai.

2. The love marriage between the petitioner and the respondent took place on 26.10.2016. According to the wife, the parents of the husband did not agree the relationship and that they have to stay separately. Since the parents of the husband did not agree and not happy with the marriage, she insisted for a separate house. She was pregnant and due to quarrel, the child in the womb died and after surgery, the child was removed. She has stated that, husband left her in her parents house stating that he is going to be employed in Bangalore. But the respondent herein/husband did not take up any employment or turn up to take her to matrimonial home and that she came to know that the parents of the husband have arranged for a second marriage to their son/respondent herein. Hence, the petitioner herein/wife has made a police complaint and in order to escape from the said complaint, the respondent herein/husband has filed H.M.O.P. No.65/2019 before the First Additional Sub Court, Villupuram, seeking divorce. According to her, husband is residing at Villupuram, which is 80 Km from her village and that

Tiruvannamalai is hardly 30 Km and that she needs to travel from her parents house to the court to Tiruvannamalai, which is 20 Km away and hence requested for transfer.

3. Though a counter has not been filed, the allegations of the wife has been refuted by the husband stating that she is not cooperative to lead happy matrimonial life. For every small thing, she is creating disturbance and try to knock at the doors of the police, which may not be conducive atmosphere for a good relationship in the family. The allegation that the parents are against her and that there are some assaults, which terminated the pregnancy, are all incorrect. Though there was abortion, it was due to her body condition and ill health and that he has not assaulted her. There is no threat from any one, more particularly, from the family members of the respondent herein/husband and that, instead of transferring the matter to Tiruvannamalai, the matter can be transferred to Gingee, so that both the parties can travel to Gingee, to contest the matter. The reasons given for transfer from Villupuram to Tiruvannamalai are not correct and hence the petition has got to be rejected.

Heard both sides.

4. Love is blind, which resulted in marriage and break-up scene is in the process. It is very unfortunate that on account of difference between the wife and husband, they have lost their child. This court is not in a position to blame either the husband or the wife, as the issue is not before this court, but the fact that the court, situated at Gingee, is far off from Villupuram and that there are several transport facilities available from Villupuram to Tiruvannamalai, which is less than half distance from Villupuram to Gingee and that both the parties, have to travel approximately 30 Km one way, if they appear before the court at Tiruvannamalai. Hence, in the interest of the parties, the matter can be transferred to Tiruvannamalai.

5. In view of the above, H.M.O.P. No.65 of 2019 pending on the file of the First Additional Sub Court, Villupuram is withdrawn and transferred to the file of Subordinate Court, Tiruvannamalai. The learned Subordinate Judge, Tiruvannamalai, is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 30 working days, at any point of time, in order to bring the issue to a logical end, preferably within a period of twelve months from the date of receipt of papers from First Additional Sub Court, Villupuram.

6. The Transfer Civil Miscellaneous Petition is allowed, with the above directions. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

Asr

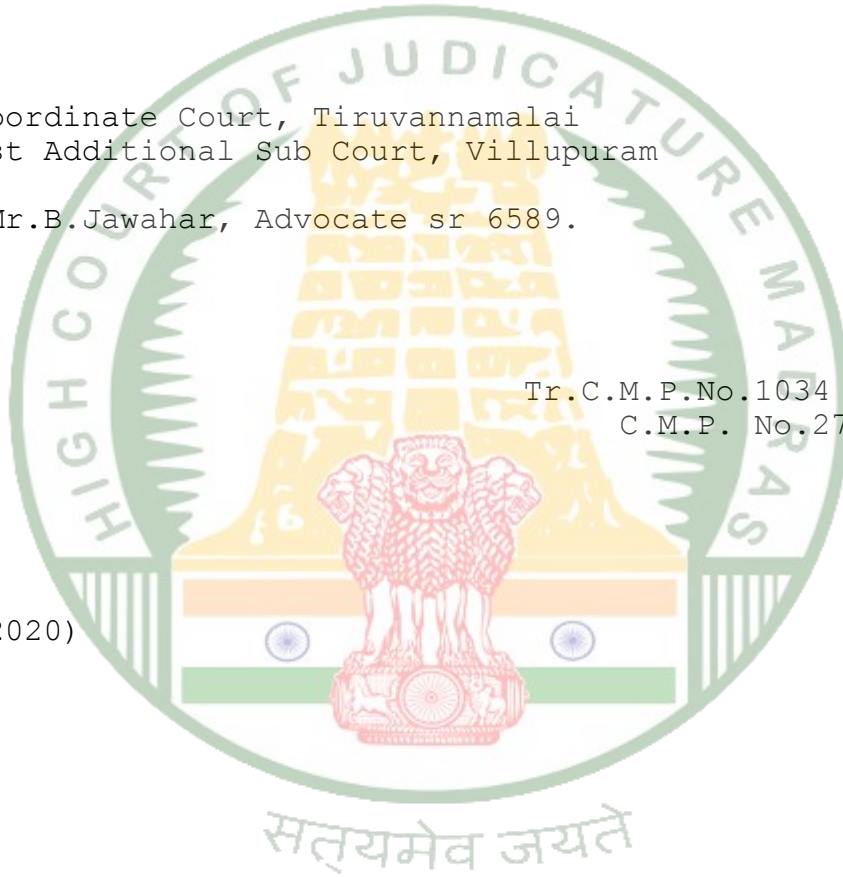
To :

1. The Subordinate Court, Tiruvannamalai
2. The First Additional Sub Court, Villupuram

+1 Cc to Mr.B.Jawahar, Advocate sr 6589.

Tr.C.M.P.No.1034 of 2019 and
C.M.P. No.27565 of 2019

RSV(CO)
SP(12/03/2020)



WEB COPY