

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 04.08.2020  
CORAM  
THE HONOURABLE MR.JUSTICE T.RAJA  
Tr.C.M.P.No.812 of 2019

M.Priya

. Petitioner

Versus

S.Prabakaran

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.43 of 2019 pending on the file of learned Sub-Court, Perundurai, and to transfer the same to the file of learned Sub-Court, Thiruvavur.

For Petitioner : Mr.G.Varun Gandhi

For Respondent : Mr.S.R.Shivakumar

O R D E R

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

2. Mrs.M.Priya/petitioner herein, wife of Mr.S.Prabakaran/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.43 of 2019 from the file of learned Sub-Court, Perundurai, to the file of learned Sub-Court, Thiruvavur. The above said HMOP was filed by the respondent/husband seeking for dissolution of marriage.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 25.05.2018 at HMY Thirumanamandapam, Nannilam, as per Hindu Rites and Customs, in the presence of well-wishers of both family. After few months of marriage, due to difference of opinion between them, she left the matrimonial home and at present, she is presently living with her parents at Thiruvavur. Out of the said wedlock, no child was born to them. Whiles, all of a sudden, the respondent/husband filed H.M.O.P.No.43 of 2019 seeking for dissolution of marriage. Thereafter, the petitioner/wife also

filed H.M.O.P.No.133 of 2019 on the file of learned Sub-Court, Thiruvarur, seeking for restitution of conjugal rights. It is further submitted that as the petitioner/wife is residing at Thiruvarur, it is not feasible for her to undertake a long journey between Nannilam and Perundurai, which is more than 250 kms., hence, the case filed by the respondent/husband in H.M.O.P.No.43 of 2019 pending before the learned Sub-Court, Perundurai, may be transferred to the file of learned Sub-Court, Thiruvarur.

4. Having heard the parties, I am of the view that as the case filed by the petitioner/wife seeking for restitution of conjugal rights in H.M.O.P.No.133 of 2019 is pending before the learned Sub-Court, Thiruvarur, the case filed by the respondent/husband seeking for dissolution of marriage in H.M.O.P.No.43 of 2019 pending on the file of learned Sub-Court, Perundurai, is liable to be transferred as prayed for. Besides, the distance between Thiruvarur and Perundurai is more than 250 kms., and therefore, it will be difficult for her to undertake such a long journey thus far to attend each and every hearing. Therefore, considering the balance of convenience in favor of wife, H.M.O.P.No.43 of 2019 filed by the husband is withdrawn from the file of learned Sub-Court, Perundurai, consequently, transferred to the file of learned Sub-Court, Thiruvarur, to be tried along with H.M.O.P.No.133 of 2019 filed by the wife. On such transfer, learned Sub-Court, Thiruvarur, 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.22612 of 2019 is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. Sub-Court, Perundurai.
2. Sub-Court, Thiruvarur.

Tr.C.M.P.No.812 of 2019

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