

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

TR.C.M.P.NO.877 OF 2019

S.Jeyashree

..

Petitioner

-vs-

S.Surendar

..

Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.635 of 2018 on the file of the Sub Court, Tambaram and transfer the same to the Sub Court at Sivakasi.

For Petitioner :: Mr.P.Thirupathi Raj

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner-Mrs.S.Jeyashree, Wife of Mr.S.Surendar, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the H.M.O.P.No.635 of 2018 from the file of the Sub Court at Tambaram and transfer the same to the Sub Court at Sivakasi.

3. Learned counsel appearing for the petitioner submitted that after the petitioner went to the parental home for delivery of the child, the respondent did not take her back to the matrimonial home. In the meanwhile, he has also filed H.M.O.P.No.635 of 2018 on the file of the Sub Court, Tambaram for restitution of conjugal rights under Section 9 of the Hindu Marriage Act. When the efforts for mediation have not shown any result and on the other hand, the petitioner is ready for re-union, the filing of H.M.O.P.No.635 of 2018 before the Sub Court, Tambaram by the respondent is only an after-thought and to drag on the matter. In the meanwhile, the petitioner also filed D.V.C.No.14 of 2018 on the file of the learned Judicial Magistrate No.II, Sattur. In any event, the respondent has to

come and appear before the learned Judicial Magistrate No.II, Sattur. Hence, if the H.M.O.P.No.635 of 2018 is withdrawn and transferred to the Sub Court, Sivakasi, no prejudice would be caused. Otherwise, the petitioner along with her two year old son would be put to great prejudice, because the distance between Sivakasi and Tambaram is more than 500 Kms.

4. None appeared for the respondent. That clearly shows that the respondent has no objection for allowing the transfer civil miscellaneous petition.

5. For the reason that the petitioner is having a two year old son and it will be very difficult for her to undertake a long journey of more than 500 Kms., from Sivakasi to Tambaram, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.635 of 2018 is withdrawn from the file of Sub Court, Tambaram and transferred to the file of Sub Court, Sivakasi for expeditious disposal on merits.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Tambaram.
2. The Subordinate Judge
Sivakasi.

सत्यमेव जयते

Tr.C.M.P.No.877 of 2019

RSV(CO)
CS/29/09/2020

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