

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.1019 of 2019

J.Yuvana

.. Petitioner

Versus

U.Saravanakumar

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.108 of 2019 pending on the file of learned III Additional, Subordinate Judge, Madurai, and transfer the same to the file of learned Sub-Court, Poonthamalli, to be tried along with [HMOP SR.No.14379 of 2019]

For Petitioner : Mr.C.Rajaguru

For Respondent : No Appearance

ORDER

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

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.108 of 2019 from the file of learned III Additional Subordinate Judge, Madurai, to the file of learned Sub-Court, Poonthamalli, to try along with the case filed by the wife in H.M.O.P.No.863 of 2019 seeking for restitution of conjugal rights. The above said H.M.O.P.No.108 of 2019 was filed by the husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 09.11.2016 as per the Hindus Rites and Customs. After the marriage, they were blessed with a female child, aged about 3 years now. However, after some time, behaviour of the respondent/husband got changed and in view of mental cruelty, she has filed a domestic

complaint against her husband and FIR was also registered against him in FIR No.22 of 2019 under Sections 294(b), 498 (A), 406, 506(ii) of IPC and Section 4 TNPWH Act. Now, the petitioner/wife is residing in Chennai along with her parents. In the meanwhile, the respondent/husband has filed H.M.O.P.No.108 of 2019 before the learned III Additional Subordinate Court, Madurai, seeking for divorce. On the last occasion, when the matter was taken up, considering the willingness shown by the petitioner/wife, the matter was referred before the Mediation Centre and the respondent/husband appearing before the Mediation Centre has stated that he is not ready for reunion. Therefore, it is prayed that the matter may be transferred to the learned Sub-Court, Poonthamalli, where the case filed by the wife in H.M.O.P.No.863 of 2019 is pending seeking for restitution of conjugal rights.

4. No one appeared today on behalf of the respondent/husband and even on the last occasion, there was no representation for the respondent/husband. Therefore, such an attitude of the respondent/husband shows that he has no objection in transferring the case filed by him to the file of learned Sub-Court, Poonthamalli. Besides, considering the fact that the petitioner/wife is having 3 years old female child, I am of the view that it is not possible for her to undertake long journey from Chennai to Madurai, which is more than 450 kms., to attend each and every hearing. Hence, for the balance of convenience, H.M.O.P.No.108 of 2019 filed by the husband is withdrawn from the file of learned III Additional Subordinate Judge, Madurai, consequently, transferred to the file of learned Sub-Court, Poonthamalli, to be tried along with H.M.O.P.N.o.863 of 2019 filed by the wife. On such transfer, learned Sub-Court, Poonthamalli, 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.27325 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Sub-Court, Poonthamalli.
2. III Addl. Subordinate Court, Madurai.

Tr.C.M.P.No.1019 of 2019

SS (CO)
CB (07/08/2020)



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