

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.1008 of 2019

K.Sindhuja

.. Petitioner

-vs-

V.Dinesh

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.136 of 2018 on the file of the learned Subordinate Judge, Hosur and transfer the same to the file of the learned Subordinate Judge, Gobichettipalayam, Erode District.

For Petitioner :: Ms.N.Premalatha
For Respondent :: Ms.Selvi Rajesh

ORDER

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

2. The petitioner, Mrs.K.Sindhuja, Wife of Mr.V.Dinesh, the respondent herein has come to this Court seeking for withdrawal of the H.M.O.P.No.136 of 2018 from the file of the learned Subordinate Judge, Hosur and transfer the same to the file of the learned Subordinate Judge, Gobichettipalayam, Erode District for disposal on merits.

3. Learned counsel appearing for the petitioner submitted that after the solemnization of marriage between the petitioner and the respondent on 22.8.2014, they were blessed with a boy child on 22.9.2016. But thereafter, the respondent has not shown the same love and affection, as a result problems arose between them. In view of several other misunderstanding on frivolous issues that have given rise to disputes, the petitioner came back to her parental home with the small child. Taking advantage of the same, the respondent has filed the H.M.O.P.No.136 of 2018 before the learned Subordinate Judge, Hosur for divorce. Thereafter, the petitioner also filed a case in M.C.No.8 of 2019 on the file of the learned Judicial Magistrate No.I, Gobichettipalayam seeking maintenance. Therefore, when the

respondent has to come and appear for the hearing of the case in M.C.No.8 of 2019 before the learned Judicial Magistrate No.I, Gobichettipalayam, the H.M.O.P.No.136 of 2018 pending on the file of the learned Subordinate Judge, Hosur can be withdrawn and transferred to the file of the learned Subordinate Judge, Gobichettipalayam, Erode District considering the convenience of the petitioner.

4. Learned counsel appearing for the respondent has stated that when the respondent is working in a private concern at Hosur, it will be difficult for him to take leave for his appearance before the Court at Gobichettipalayam. However, realising the problem that has gone beyond control, the respondent has decided to take back his wife and the child even today. If the petitioner comes to the matrimonial home, he is even prepared to withdraw the divorce petition also.

5. It is at this stage, learned counsel appearing for the petitioner also stated that her client is always ready for reunion, but the respondent has wrongly neglected the petitioner and her child. Hence, the dispute has arisen for filing of both the M.C.No.8 of 2019 and the H.M.O.P.No.136 of 2018 before the learned Judicial Magistrate No.I, Gobichettipalayam and the learned Subordinate Judge, Hosur respectively.

6. Since both the parties are ready for reunion, this Court hereby directs the respondent/husband to go to the house of the petitioner/wife at Gobichettipalayam at the earliest time and shall bring back his wife and child to the matrimonial home at Hosur. The petitioner shall also cordially receive the respondent on his arrival at her parental home and shall accompany him with the child to the matrimonial home for leading a happy life. With this observation, the transfer civil miscellaneous petition stands disposed of. Consequently, C.M.P.No.26882 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Hosur

Tr.C.M.P.No.1008 of 2019

GP (CO)
RMP (23/11/2020)