



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.541 of 2019

and

C.M.P(MD) No.12555 of 2019

WEB COPY

C.Dhinesh Karthick

... Petitioner

-Vs-

V.Monika

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP No.17 of 2017, on the file of the Sub Court, Aruppukottai and transfer the same to the file of the Family Court, Chengalpattu or Hosur Sub Court.

For Petitioner : Mrs.T.K.Akalya
For Respondent : Mr.K.Prabhu

O R D E R

The petitioner/husband, who is facing the proceedings for restitution of conjugal rights before the Sub Court, Aruppukottai seeks transfer of the same to any Court in Chengalpattu or Hosur.

2. The husband is a resident of Guduvancheri near Chengalpattu. Though the wife has filed a petition at Sub- Court, Aruppukottai giving her address at Aruppukottai, it is claimed by the husband that she is working at St.Joseph Matriculation Hr. Secondary School, SIPCOT, Gandhi Nagar Road, Mookanapalli, Hosur, Tamilnadu. Notice in this transfer petition has been served on the wife at the aforesaid address. So, it is clear that she is working at Hosur. The request for transfer is opposed by the wife on the ground that she has taken up a job only in order to earn income since husband is not maintaining her, but however, she is ready to appear for hearing at Aruppukottai.

3. It is my considered opinion that plea is based only on vendetta. Even according to wife, she sought employment because her husband has refused to maintain her, but she is willing to travel from Hosur to Aruppukottai in order to conduct the case for restitution of conjugal rights. Husband seeks transfer either to Chengalpattu or Hosur. The wife is a resident of Hosur and she is working there.



4. Considering the above facts, I am of the considered opinion that the H.M.O.P.No.17 of 2017 can be transferred from Sub-Court, Aruppukottai to Sub-Court, Hosur which will be in the interest of both parties.

5. Hence, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.17 of 2017 is withdrawn from the file of the Sub Court, Aruppukottai and transferred to the file of Sub Court, Hosur to be heard and disposed of in accordance with law. Since the H.M.O.P., is of the year 2017, the Sub-Court, Hosur is directed to dispose of the same on priority basis, at any rate, within a period of six months from the date of receipt of the records from the Sub Court, Aruppukottai. The Sub Court, Aruppukottai is directed to transmit the papers to the Sub Court, Hosur, forthwith. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

am
To

1. The Sub Court,
Aruppukottai.

2. The Sub Court,
Hosur.

3. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.K.PRABHU, Advocate (SR-3238[F] dated 27/01/2020)

+1 CC to MR.S.TAMIZHARASAN, Advocate (SR-3483[F] dated 28/01/2020)

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