



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.335 of 2021
and
C.M.P. No.7945 of 2021

R.Deepika .. Petitioner
Vs
C.Ravi .. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, pleaded to withdraw the petition in HMOP No.99 of 2020 from the file of the Subordinate Court, Sathiyamangalam and transfer the same to the file of the Subordinate Court, Mettupalayam.

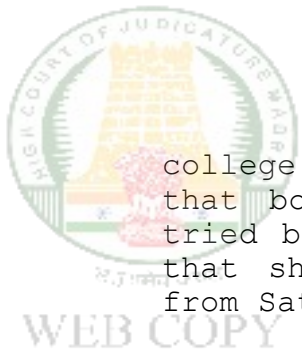
For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.K.Sudhakar

O R D E R

By consent of both sides, this transfer civil miscellaneous petition is taken up for final disposal.

2. This transfer civil miscellaneous petition is filed by wife. The marriage between the petitioner and the respondent was solemnized on 30.10.2017 at Erode. It is admitted that there are no children born out of the wedlock. It is stated by the petitioner that she was forced to leave in the matrimonial home and after that she started living with her parents at Sirumugai in Coimbatore District. It is further submitted that the respondent neglected to maintain the petitioner. The petitioner was therefore, constrained to file the petition seeking maintenance in M.C.No.21 of 2019 before the learned Judicial Magistrate Court, Mettupalayam and she also filed another petition in DVC No.19 of 2019 before the learner Judicial Magistrate Court, Mettupalayam. She earlier filed a petition in HMOP No.25 of 2019, before the Subordinate Court, Mettupalayam, seeking restitution of conjugal rights. It is stated by the petitioner that respondent/husband filed a petition in HMOP No.99 of 2020 on the file of the Subordinate Court, Sathiyamangalam seeking dissolution of marriage. It is stated by the petitioner that the petition filed by the respondent husband is a counter blast. She further states that she is getting a meagre salary from and out of an employment as Assistant Hostel Warden in a private



college. It is contended by the counsel for the petitioner that both cases are inter-related and therefore, should be tried by a Court which is more convenient. It is also stated that she has some medical ailments to travel long distance from Sathiyamangalam.

3.Considering the facts and circumstances of the case, this Court is of the view that both proceedings in HMOP No.99 of 2020 and HMOP No.25 of 2019 are to be tried together. In a petition filed by the husband, the convenience of the wife can be taken into consideration in order to give a fair opportunity to wife to contest and defend the case filed by the respondent husband.

4.As a result, this petition is allowed and the proceedings in HMOP No.99 of 2020 pending on the file of Subordinate Court, Sathiyamangalam are hereby withdrawn and transferred to the Subordinate Court, Mettupalayam, to be tried together along with HMOP No.25 of 2019. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Subordinate Judge, Sathiyamangalam.

2. The Subordinate Judge, Mettupalayam.

+1cc to Mr.S.B.Viswanathan, Advocate, S.R.No. 32857

Tr.C.M.P. No.335 of 2021
and C.M.P. No.7945 of 2021

UM(CO)
GN(09/08/2021)