



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P. (MD)No.236 of 2020

and C.M.P. (MD)No.5339 of 2020

WEB COPY

Moham Pari @ Divya

... Petitioner/ Respondent

versus

Stalin

... Respondent/ Petitioner

Transfer Petition filed under Section 24 of C.P.C. seeking to withdraw the case in H.M.O.P.No.125 of 2019 pending on the file of the Sub Court, Nagapattinam District and to transfer the same to the Sub Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.A.John Vincent

ORDER

The wife seeks transfer of H.M.O.P.No.125 of 2019 pending on the file of the Sub Court, Nagapattinam, to be tried along with H.M.O.P.No.253 of 2019 pending on the file of the Sub Court, Kumbakonam.

2. The wife is the resident of Kumbakonam. The husband is the resident of Tholudur near Nagapattinam. The husband has filed H.M.O.P.No.125 of 2019, seeking divorce under Section 13 (1)(1a) of the Hindu Marriage Act and wife has come up with an application under Section 9 of the Hindu Marriage Act, seeking restitution of conjugal rights in H.M.O.P.No.253 of 2019. The H.M.O.P., filed by the husband for divorce, was filed before the Sub Court, Nagapattinam on 22.08.2019 and H.M.O.P., seeking restitution of conjugal rights, was filed by the wife some time in October 2019.

3. The learned counsel for the petitioner/wife would vehemently contend that since she is the resident of Kumbakonam Taluk, travelling to Nagapattinam, where H.M.O.P.No.125 of 2019 is pending, will cause considerable hardship to her. It is also stated that she is working at the Government Adi-Dravidar Panchayat School at Thiruvalangadu, Kuthalam Taluk, which comes under newly formed Mayiladuthurai District.

4. The learned counsel for the husband would contend that the husband is the resident of Tholudur, Thirukkuvalai Taluk, Nagapattinam District and he is working in the Sub Registrar's Office at Mayiladuthurai. The learned counsel for the husband would submit that both the Original Petitions could be transferred to the Sub Court, Mayiladuthurai, which is a neutral venue.



5. I do not find any allegation of assault by either of parties. An apprehension is expressed by the learned counsel for the husband that some pressure may be exerted on the husband, if he is to attend hearing at Sub Court, Kumbakonam. But, the same is unfounded, considering the fact that the appearance of parties is not required before the Sub Court for every hearing unlike the Family Court.

6. Considering the fact that the husband is working in the Sub Registrar Office, Mayiladuthurai and he is travelling to Mayiladuthurai every day for his work, it will not be any difficult for him to go Kumbakonam to attend the Court for effective hearings of H.M.O.P. alone.

7. In the light of the above, H.M.O.P.No.125 of 2019 pending on the file of the Sub Court, Nagapattinam, is withdrawn and transferred to the Sub Court, Kumbakonam to be tried along with H.M.O.P.No.253 of 2019. The Sub Court, Kumbakonam, is directed to dispose of both the H.M.O.Ps. within six months from the date of receipt of records.

8. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Judge, Sub Court,
Nagapattinam District.

2. The Judge, Sub Court,
Kumbakonam, Thanjavur District.

Copy to:- The Registrar(Judicial)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.JOHN VINCENT, Advocate (SR-3836[F] dated 08/02/2021)

Tr.C.M.P. (MD) No.236 of 2020

and

C.M.P. (MD) No.5339 of 2020

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