



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.396 of 2021

and

C.M.P. (MD) No.7787 of 2021

Vinodhini Soundarajan .. Petitioner/Respondent

-vs-

V.Anand .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P.No.1720 of 2021 on the file of Subordinate Court, Alandur and transfer the same to the file of Principal Subordinate Court, Dindigul.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.V.Sasikumar

ORDER

The respondent/wife, in H.M.O.P.No.1720 of 2021 pending on the file of Sub Court, Alandur, is before this Court seeking to transfer the aforesaid case to the file of the Principal Subordinate Court, Dindigul.

2.The marriage between the petitioner and the respondent was solemnized on 06.07.2003 and the respondent is none other than the maternal aunt's son of the petitioner. The petitioner would submit that immediately after the marriage, she was residing with her husband at Hyderabad, Andhra Pradesh and thereafter, at various places at Chennai and the last residence of the two was at Keelkatalai, Kancheepuram District. Through this marriage, the petitioner and the respondent have two sons namely Anish Karthik aged 16 years and Pradeep aged 8 years.

3.It is the case of the petitioner that she has been subjected to harassment right from the time of the marriage, as the respondent and his people were demanding additional dowry. In November, 2014, the respondent drove out the petitioner and her children from the matrimonial home. However, the petitioner was in the fond hope that the respondent would reunite. However, she has been slapped with



the summons in H.M.O.P.No.159 of 2015 on the file of Sub Court, Tambaram.

4.The petitioner would further submit that the case records have now been transferred to the Sub Judge, Alandur as H.M.O.P.No.1720 of 2021. The petitioner would submit that apart from the children, she has to take care of her aged parents and they are all residing at Dindigul. She would therefore, seek to have the matter transferred to the Principal Subordinate Court at Dindigul.

5.The respondent, who entered appearance through counsel, would submit that the matter has been transferred to the Sub Court, Alandur and the matter is posted for the counter of the petitioner herein. At this stage, if the transfer is effected, it would once against result in the dragging of proceedings, since the H.M.O.P. has been filed as early as in the year 2015.

6.Heard the learned counsels and perused the records.

7.Perusal of the records would reveal that H.M.O.P.No.1720 of 2021 pending before the Sub Court, Alandur is only at the counter stage, though the H.M.O.P. had been filed as early as in the year 2015. Admittedly, the petitioner, who is the respondent in the H.M.O.P. proceedings, is now residing at Dindigul in the care and custody of her parents. If the petitioner is made to travel all the way to Alandur from Dindigul, she will not only suffer financial expenditure, but would also put to a great deal of hardship, since her young son requires her attention. That apart, considering the fact that the petitioner is residing at Dindigul, the transfer of the proceedings to the Principal Subordinate Court, Dindigul is very much within the jurisdiction as prescribed under Section 19 of the Hindu Marriage Act, 1955. Under these circumstances, Tr.C.M.P(MD) No.396 of 2021 is allowed as prayed for. The Principal Sub Judge, Dindigul shall dispose of the H.M.O.P. within a period of four (4) months from the date of receipt of a copy of this order and report to this Court. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr



To

1.The Subordinate Court, Alandur.

2.The Principal Subordinate Court, Dindigul.

Copy to

The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-33753[F] dated 09/11/2021)

Tr.C.M.P.(MD) No.396 of 2021

Dated: 08.11.2021

KS (CO)

KB(17.11.2021) 3P 5C