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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P. No.165 of 2022
and
C.M.P.No.3282 of 2022

S. Priyanka

... Petitioner

-Vs-

R. Kalaiselvam

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.56 of 2020 on the file of the Sub Court, Neyveli, Cuddalore District and to transfer the same to the file of the VII Additional Family Court, Chennai to try along with H.M.O.P.No.1379 of 2021.

For Petitioner : Mr.C. Prabakaran

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.56 of 2020 filed by the husband for restitution of conjugal rights before the Sub Court, Neyveli, Cuddalore District, to the file of the VII Additional Family Court, Chennai, to be tried along with H.M.O.P.No.1379 of 2021.

2.The petitioner would submit that marriage had been solemnized between herself and the respondent on 06.12.2019 at Arulmigu Sri Palamallainathar Temple Viruthambikai Amman Sannathi, Virudhachalam, as per Hindu rites and customs. The respondent was working as a Professor. After the marriage, the respondent demanded dowry from the petitioner and she was harassed both physically as well as mentally. The petitioner was driven out of her matrimonial home. After driving her out, the respondent has filed H.M.O.P.No.56 of 2020 for restitution of conjugal rights before the Sub Court, Neyveli. Subsequently, the petitioner has filed H.M.O.P.No.1379 of 2021 for divorce.

3.The reasons for seeking the transfer are as follows:

1.The petitioner is residing at Tondiarpet, Chennai, in her parent's house. The



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petitioner's father was affected with cancer stage II.

2.The distance between Chennai and Neyveli is considerable and she cannot travel each time to attend the hearings. Further, the petitioner has no one to accompany her to the Sub Court, Neyveli or to support her financially.

3.The petitioner is residing under the territorial jurisdiction of the Family Court, Chennai.

4.The respondent/husband though served has not entered appearance either in person or through pleader.

5.Heard the learned counsel appearing for the Petitioner and perused the papers.

Considering the fact that sufficient reasons have been given and the petitioner wife is residing at Chennai which as per the provisions of Section 19 of the Hindu Marriage Act, 1955, confers Jurisdiction on the place of residence of the respondent wife, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.56 of 2020 pending on the file of the Sub Court, Neyveli, Cuddalore District, is withdrawn and transferred to the file of the VII Additional Family Court, Chennai, to be tried along with H.M.O.P.No.1379 of 2021. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

mps

To

1. The Sub Judge,
Neyveli,Cuddalore District.

2. The VII Additional Judge,
Family Court,Chennai.

+1cc to Mr.C. Prabakaran, Advocate, S.R.No.24963

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NSK/10/06/2022