



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2022

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

Tr. C.M.P. No.270 of 2022
and
C.M.P. No.5366 of 2022

M.Nandhini

... Petitioner

Versus

G.Govindarajan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.19 of 2022 from the file of the Principal Sub Court, Mayiladuthurai and transfer the same to the file of the Sub Court, Chidambaram, Cuddalore District.

For Petitioner	...	Mr.M.Palanivel
For Respondent	...	Served - No Appearance

O R D E R

The above transfer petition is filed seeking to transfer H.M.O.P.No.19 of 2022 filed by the husband on the file of the Principal Sub Court, Mayiladuthurai, seeking restitution of conjugal rights.

2. In the affidavit filed in support of the petition, the petitioner-wife would contend that within 3 days of the marriage, the husband had met with an accident and at that time, she came to know that her husband had suppressed the earlier ailment of jaundice and liver disease and this has caused severe health problems to the respondent-husband. He had also suppressed the details about his education and avocation. The petitioner would submit that in the month of September 2021, she had met with an accident due to electrocution while fetching water from the motor pump and due to the electrocution, she had returned to marital home and she has not been taken care of by her husband. Therefore, she sent a legal notice to the respondent on 27.12.2021 requesting him to return her jewels and other articles and seeking for divorce. Pursuant to this, the respondent has filed a petition for divorce before the Principal



Sub Court at Mayiladuthurai. The petitioner has filed this Tr.C.M.P stating that she is living at Chidambaran and she cannot be made to travel all the way to Mayiladuthurai and the husband has deliberately filed the H.M.O.P. at Mayiladuthurai.

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3. Heard the learned counsel for the petitioner and perused the materials available on record. The respondent, though served, has not entered appearance before this Court either in person or through counsel.

4. The petitioner seeks transfer on the ground that the petitioner has to travel to Mayiladuthurai to attend the hearing of the case. The petition is now pending before the Sub Court, where the presence of the parties is not required. Therefore, the reasons given for divorce are non-existent. Further, the petitioner herself sent a legal notice seeking divorce and the husband, thereafter, filed the petition.

5. Since there are no valid reasons for transfer, this Tr.C.M.P. is dismissed. It would further be in the interest of both the parties that H.M.O.P.No.19 of 2022 before the Sub Court at Mayiladuthurai be disposed of at the earliest, considering the fact that both the parties would like to get divorce. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Sub Judge,
Mayiladuthurai.
2. The Sub Judge,
Chidambaram, Cuddalore District.

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