

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

TR.C.M.P.NO.687 OF 2021

AND

C.M.P.NOS.17064 & 17066 OF 2021

S.Deepa ... Petitioner/Respondent

Versus

Arjunraj ... Respondent/Petitioner

PRAYER:-

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the H.M.O.P.No.77 of 2021 on the file of the Sub-Court, Virudhunagar and to transfer the file of Sub-Court, Tambaram.

For Petitioner : Mr.K.N.Nataraja

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.77 of 2021 on the file of the Sub-Court, Virudhunagar and to transfer the file of Sub-Court, Tambaram.

2. The respondent/husband has filed H.M.O.P.No.77 of 2021 before the Sub-Court, Virudhunagar for divorce and the petitioner/wife has filed a petition for restitution of conjugal rights in O.P.No.104 of 2021 before the Sub-Court, Tambaram and M.C.No.31 of 2021 before the Judicial Magistrate-I, Tambaram for maintenance.

3. The learned counsel for the petitioner/wife submitted that the petitioner got employed very recently and her daughter aged about 7 years studying in a school at Tambaram. In this circumstances, it is very difficult for the petitioner to travel from Chennai to Virudhunagar for attending the Court on every hearings in H.M.O.P.No.77 of 2021. Therefore, she seeks to transfer the case from the Sub-Court, Virudhunagar to the Sub-Court, Tambaram.

4. Heard the learned counsel for the petitioner. Despite sufficient opportunity given to the respondent, there was no representation even today there is no representation on behalf of the respondent. Hence, this Court is inclined to pass orders on merits.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the Sub-Court, Tambaram.

6. Accordingly, H.M.O.P.No.77 of 2021 is withdrawn from the file of the Sub-Court, Virudhunagar and transferred to the file of the Sub-Court, Tambaram for disposal as per law. The Sub-Court, Virudhunagar, is directed to transmit the papers to the file of the Sub-Court, Tambaram within a period of six weeks from the date of receipt of a copy of this order. The learned Sub-Judge, Tambaram is directed to dispose of the case in H.M.O.P.No.77 of 2021 on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Subordinate Judge,
Virudhunagar.
2. The Subordinate Judge,
Tambaram.

+2ccs to Mr.K.N.Nataraj, Advocate, S.R.No.40178

TR.C.M.P.NO.687 OF 2021

AJS (CO)
PBS/12/07/2022