



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.No.953 of 2021  
and  
C.M.P.No.21322 of 2021

S.Sivasankari

...Petitioner

Vs

G.Ragavan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the case pending in H.M.O.P.No.336 of 2021 pending on the file of the Principal Sub Court, Ponneri and transfer the same to Sub Court, Tambaram.

For Petitioner : Mr.K.Shajahan

For Respondent : Served - No appearance

O R D E R

The Petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the case in H.M.O.P.No.336 of 2021 pending on the file of the Principal Sub Court, Ponneri and transfer the same to the Sub Court, Tambaram.

2.The respondent/husband has filed the above H.M.O.P.No.336 of 2021 under Section 9 of the Hindu Marriage Act, on the file of the Principal Sub Court, Ponneri for restitution of conjugal rights. Subsequently, the petitioner/wife has also filed H.M.O.P.No.264 of 2021 under Section 12(1) (c) of the Hindu Marriage Act, on the file of the Sub Court Tambaram, to declare that the marriage solemnized between the petitioner and the respondent on 16.06.2021, as null and void.

3.It is stated by the petitioner-wife that the she is residing with her aged parents and is fully depending on them. Her aged parents are not in a position to accompany her to Court for the hearing and to instruct her counsel. She is not in a position to travel about 75 kms from Perungalathur to Sub Court, Ponneri, which is far away from her residence. Hence, she



sought for transfer.

4.The learned counsel for the petitioner-wife would submit that the respondent-husband is attending the proceedings filed by the wife under the Domestic Violence Act in D.V.C.No.39 of 2021 on the file of the learned Judicial Magistrate-I, Tambaram.

5.Heard the learned counsel for the petitioner and perused the materials available on record. Though the respondent is served with notice, there is no representation for him either in person or through counsel. Since the respondent is already attending the proceedings before the learned Judicial Magistrate-I at Tambaram, he can as well attend the proceeding at the Sub Court, Tambaram.

6.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.336 of 2021 pending on the file of the Principal Sub Court, Ponneri shall stand withdrawn and the same is transferred to the file of the Sub Court, Tambaram. No Costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal Sub Court, Ponneri.
2. The Sub Court, Tambaram.
3. The Section Officer,  
V.R.Section,  
High Court, Madras.

+1cc to M/s.K.Shajahan, Advocate, S.R.No.23340

Tr.C.M.P.No.953 of 2021  
and  
C.M.P.No.21322 of 2021

SKM(CO)  
RGA(27/04/2022)