



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.390 of 2021
and
C.M.P. (MD) No.7726 of 2021

R.Ramya ... Petitioner
-vs-
R.Vishnuvarthan ... Respondent

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.08 of 2021 on the file of Sub Court, Palani and to transfer the same to the Sub Court, Periyakulam, for having a joint trial with the petition in H.M.O.P.No.68 of 2021.

For Petitioner : Mr.R.Suriyanarayanan
For Respondent : Mr.S.C.Herold Singh

ORDER

The petitioner/ wife has filed this petition to transfer the petition in HMOP No.8 of 2021 filed by the respondent/husband for divorce on the ground of cruelty from the Sub Court at Palani to the Sub Court at Periyakulam.

2.The contention of the petitioner is that after she had been deserted by her husband, she along with her daughter, is now living with her parents. The respondent not only had deserted her and the child, but he had also withheld all her money, jewels and certificate, thereby making it impossible for the petitioner to maintain herself. It is, at this juncture, the petition for divorce has been filed.

3.The learned counsel for the respondent would contend that the petition is filed only before the Sub Court, Palani, where the presence of the parties are not required for every hearing and therefore, there is no inconvenience to the petitioner.

4.Heard the learned counsel on either side and perused the records.



5. Admittedly the respondent/husband is not maintaining both the petitioner as well as his minor daughter. The petitioner has also alleged that the husband has withheld her entire money and retained her jewels and certificate, which is the matter that has to be proved. However, prima facie there appears to be force in the contention of the petitioner and that apart under Section 19 of the Hindu Marriage Act, 1955 jurisdiction is also conferred on the place where the respondent/ wife resides.

6. Therefore, taking into account the above, the Transfer Civil Miscellaneous Petition is allowed and the petition viz., H.M.O.P.No.08 of 2021 now pending on the file of the Sub Court, Palani is withdrawn and transferred to the file of the Sub Court, Periyakulam.

7. The learned counsel for the respondent had submitted that steps can be taken for mediation between the parties.

8. Considering the request, the learned Subordinate Judge, Periyakulam, is directed to first attempt mediation between the parties and if it fails, then proceed with the hearing of HMOP.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

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.

To

1. The Subordinate Judge, Palani.

2. The Subordinate Judge, Periyakulam.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-76[F] dated 04/01/2022)

Tr.C.M.P.(MD) No.390 of 2021 and
C.M.P.(MD) No.7726 of 2021

Dated: 03.01.2022

_RD(28.01.2022) 2P 4C