



WEB COPY



Tr.C.M.P.No.375 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.375 of 2023
and
C.M.P.No.8011 of 2023

G. Arthi

... Petitioner

Vs.

C. Balakumar

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw the H.M.O.P.No.179 of 2023 on the file of the Family Court at Salem and transfer to the file of the Sub Judge, Ambattur, Thiruvallur District and pass orders.

For Petitioner : Mr.P. Babu

For Respondent : Mr.T.S.Vijaya Raghavan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the H.M.O.P.No.179 of 2023 on the file of the Family Court at Salem and transfer to the file of the Sub Judge, Ambattur, Thiruvallur District.



Tr.C.M.P.No.375 of 2023

WEB COPY

2. The case of the petitioner is that she married the respondent on 30.08.2006 at Alagirintha Swamy Temple and out of the wedlock one female child was born to them. Thereafter, the respondent always ill treat the petitioner and started to scolded her with filthy language. Each and every day the respondent is torturing the petitioner for the property of her parents. Hence the petitioner filed a divorce petition in H.M.O.P.No.73 of 2021 before the Sub-Judge, Mettur, Salem District. Subsequently the petitioner received a transfer order from her office and she was transferred to Chennai from Salem. When this being the case the respondent filed Restitution of Conjugal rights petition in H.M.O.P.No.179 of 2023 before the Family Court, Salem District. The grievance of the petitioner is that as she is working in Chennai she has to travel 350 kms and attend the Court proceedings filed by her husband in the H.M.O.P.No.179 of 2023 before the Family Court, Salem District. Hence this petitioner has come forward with this petition to withdraw the H.M.O.P.No.179 of 2023 on the file of the Family Court at Salem and transfer the same to the file of the Sub Judge, Ambattur, Thiruvallur District.



Tr.C.M.P.No.375 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that now the petitioner is taking care of her child and she is a working women unable to take leave often and attend the Court proceedings at Salem. Further more she has to travel 350 kms and attend the Court proceedings at Salem. Hence he prays to allow this petition.

4. The learned counsel for the respondent submitted that the respondent his daughter is studying in Holy Angels Convent, Salem and she is not studying in Chennai and the petitioner is trying to exploit the child. He further submitted that the petitioner has filed the divorce petition with false allegations. Hence he prays to dismiss this petition.

5. Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record.

6. On a perusal of records it is seen that only the petitioner has initially filed the divorce petition in H.M.O.P.No.73 of 2021 before the Sub-Judge, Mettur, Salem District. Thereafter, the respondent has filed a Restitution of Conjugal rights petition in H.M.O.P.No.179 of 2023 before



Tr.C.M.P.No.375 of 2023

the Family Court, Salem District. Now the petitioner has come forward with this petition to withdraw the petition filed by her husband in H.M.O.P.No.179 of 2023 on the file of the Family Court at Salem and transfer to the file of the Sub Judge, Ambattur, Thiruvallur District. However, she is attending the Court proceedings in divorce petition filed by her in H.M.O.P.No.73 of 2021 before the Sub-Judge, Mettur, Salem District, then what prevented her to travel and attend the Court proceedings at Salem in H.M.O.P.No.179 of 2023 filed by her husband is the subject matter of this petition for which the submission made by the petitioner is not acceptable.

7. In view of the above it is made clear that there is no merit in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly, this petition is dismissed. No order as to costs. Consequently, connected miscellaneous petition is closed.

20.09.2023

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

smn



Tr.C.M.P.No.375 of 2023

WEB COPY

To

1.The Family Court at Salem



WEB COPY



Tr.C.M.P.No.375 of 2023

V.BHAVANI SUBBAROYAN., J.

smn

TR C.M.P. No.375 of 2023
and
C.M.P.No.8011 of 2023

20.09.2023