



WEB COPY

Tr. CMP. No.465 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.465 of 2023
and C.M.P.Nos.10700 and 10702 of 2023

R.Sharmila

.... Petitioner

-Vs-

Balaji @ Marimuthu

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw HMOP.No.3389 of 2022 on the file of the Hon'ble IV Additional Family Court, at Chennai and transfer to the Hon'ble Subordinate Court, Tambaram and try along with the HMOP.No.79 of 2023 on the file of the Hon'ble Subordinate Court, Tambaram.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to withdraw HMOP.No.3389 of 2022 on the file of the Hon'ble IV Additional Family Court, Chennai and transfer to the Hon'ble Subordinate Court, Tambaram and try along



with the HMOP.No.,79 of 2023 on the file of the Hon 'ble Subordinate Court,
Tambaram.

2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent. Further, the respondent has not interested in the marriage life and harassed the petitioner at the hands of his family members. Thereafter, the respondent filed a petition to dissolve the marriage in HMOP.No.3389 of 2022 on the file of the Hon'ble IV Additional Family Court, Chennai, on making false allegations against this petitioner. Thereafter, the petitioner filed a petition for restitution of conjugal relationship with the respondent in HMOP.No.79 of 2023 before the Hon'ble Subordinate Court, Tambaram. He further submitted that the petitioner is living with her old age parents and it is very difficult for the petitioner to attend the court hearings at Chennai. Hence, he prays to allow this petition.

3. The Court records show that the notice issued by this Court was served on the respondent. Hence, as the respondent in not coming before this Court either in person or through a counsel, in spite of the service of notice, this Court is of the view that the respondent has no objection for allowing the Tr.C.M.P. in favour of the petitioner.



Tr. CMP. No.465 of 2022

4. Considering the facts and circumstances of the case and also the fact that the petitioner is living with her old aged parents and she unable to attend the court hearing. Therefore, the reasons stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.No,3389 of 2022 pending on the file of the Hon'ble IV Additional Family Court Chennai, is withdrawn and transferred to the file of the Hon'ble Subordinate Court, Tambaram and to be tried along with HMOP.No.79 of 2023 pending on the file of the Hon'ble Subordinate Court, Tambaram. Consequently, connected miscellaneous petitions are closed. No costs.

5. The trial Judge, Subordinate Court, Tambaram, is directed to issue notice to the respondent/husband, within a period of two weeks from the date of receipt of a copy of this order and proceed with case as per manner known to law.

05.10.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
msrm



WEB COPY



Tr. CMP. No.465 of 2023

T.V.THAMILSELVI, J.

msrm

To

1.The Hon'ble IV Additional Family Court, Chennai.

2.The Subordinate Court, Tambaram.

TR.CMP No.465 of 2023
and C.M.P.Nos.10700 and 10702 of 2023

05.10.2023