



Tr CMP.No.31 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2024

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THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.31 of 2024 &
CMP.No.833 of 2024

S.Sangeetha : Petitioner

versus

B.Sri Ram : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer HMOP.No.276 of 2023 on the file of the learned Subordinate Judge, Poonamallee, Thiruvallur District, to conduct trial on the file of the learned Subordinate Judge, Thiruvannamalai District.

For Petitioner : Mr.R.Naresh Kumar

For Respondent : Ms.Sri Devi

ORDER

This transfer petition is filed by the wife. She married the respondent on 03.06.2022. There are no issues from the wedlock.



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2. The respondent/husband initiated HMOP.No.276 of 2023 on the file of the Sub Court at Poonamalle invoking section 12(1)(a) of the Hindu Marriage Act.

3. The wife pleads that she is a permanent resident of Polur, Thiruvannamalai and she is unable to travel from Polur, Thiruvannamalai to Poonamallee. She pleads that the husband is not paying for her expenses and with the distance from Thiruvannamalai to Poonamallee being 420 km, she is unable to undertake this travel all alone.

4. Notice was ordered in this application and Ms.G.Sridevi has entered appearance for the respondent.

5. Ms.G.Sridevi will bring to the notice of this Court that the parties have decided to separate and they are also willing to file an application under section 13(b) of the Hindu Marriage Act seeking a divorce by consent. She would point out that this settlement was arrived at during the course of



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mediation at Poonamallee. However, it could not be concluded because the wife insisted on receiving two gold ornaments that the husband has in his possession. She would state that a counteroffer has been made by the husband to retain 5 sovereigns of gold that the husband has adorned on the wife in lieu of the two ornaments which she seeks.

6. Be that as it may, since the wife is staying at Polur which is at considerable distance from Poonamallee, I am inclined to consider the transfer. Accordingly, the proceedings in HMOP.No.276 of 2023 on the file of the Sub Court, Poonamalle is withdrawn and transferred to the file of the Sub Court at Thiruvannamalai.

7. The next date of hearing is said to be on 29.10.2024. The learned Subordiante Judge at Poonamallee is requested to send the papers immediately to the Sub Court at Thiruvannamalai so as to enable the parties to appear before the Court at Thiruvannamalai on 29.10.2024. Since this date is fixed by consent, the Court need not send a separate notice to the parties calling upon them to appear before it on 29.10.2024.



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8. The learned Subordinate Judge, Thiruvannamalai will take into consideration that a settlement had nearly been arrived at between the parties before the Sub Court at Poonamallee and if possible, ensure that the settlement is arrived at an earlier date. The learned Subordinate Judges at Thiruvannamalai and Poonamallee are requested to act on the web copy of this order, when it is produced by either of the parties before them.

9. With the above directions, this transfer civil miscellaneous petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

03.09.2024

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Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No



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To

1.The Subordinate Judge at Thiruvannamalai

2.The Subordinate Judge at Poonamallee



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V.LAKSHMINARAYANAN, J.

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