



Tr.C.M.P.No.617 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.617 of 2024 and
C.M.P.No.13254 of 2024

G.Sandhiya

... Petitioner

Vs.

R.M.Arunkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the proceedings in HMOP.No.213 of 2024 pending on the file of Subordinate Court, Ambattur to the Sub Court, Tambaram.

For Petitioner : Ms.Revathi Manivannan
For Respondent : Mr.R.Dillikumar

ORDER

The petitioner filed this transfer petition seeking transfer of restitution of conjugal rights petition in HMOP.No.213 of 2024 filed by her from the file of the Subordinate Court, Ambattur to the file of the Subordinate Court at Tambaram.

2.The learned counsel for the petitioner submitted that the marriage



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between the petitioner and the respondent solemnized on 26.05.2010 at Malliga Mahal, Redhills Main Road, Ambattur, Chennai and the respondent got a job in United States and both of them had gone there. Later came back. Since the family members of the respondent started fighting with the petitioner, the respondent to avoid conflicts found a new job in Bangalore and both of them had gone to Bangalore. The petitioner could not conceive even after three years of marriage due to the health issues of the respondent. Knowing the same, the family members of the respondent started ill-treating and abusing the petitioner. Thereafter, the respondent also started fighting with the petitioner for no reason. In such circumstances, the respondent filed divorce petition in HMOP.No.146 of 2022 against the petitioner before the Principal Subordinate Court at Chengalpet and thereafter the same was transferred to the file of the Subordinate Court at Tambaram as per order of this Court in Tr.CMP.No.149 of 2023 on 02.03.2023. Since the divorce proceedings filed by the respondent is pending before the learned Subordinate Judge, Tambaram, the petitioner found it difficult to appear before two Courts in Tambaram and Ambattur. Hence, she prays for transfer of restitution of conjugal rights petition in HMOP.No.213 of 2024 from the file of the Subordinate Court, Ambattur to the file of the



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Subordinate Court, Tambaram.

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3.The learned counsel for the respondent submitted that he has no objection for transferring the proceedings in HMOP.No.213 of 2024 to the file of the Subordinate Court at Tambaram. He is willing to take back the petitioner to matrimonial home.

4.Considering the submissions and on perusal of the materials, it is seen that it would be difficult for the petitioner being a woman to attend the Courts in Tambaram as well as Ambattur. Added to it, the divorce proceedings filed by the respondent is also pending in Subordinate Court, Tambaram and the respondent has no objection for transferring the case to the Subordinate Court, Tambaram.

5.In view of the above, this Court withdraws HMOP.No.213 of 2024 from the file of the Subordinate Court, Ambattur and transfers the same to the file of the Subordinate Court, Tambaram.

6.The learned Subordinate Judge, Tambaram is directed to refer both



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HMOP.No.213 of 2024 and HMOP.No.146 of 2022 for mediation to resolve the issues between the petitioner and the respondent. In the event of failure of mediation, the learned Subordinate Judge, Tambaram is directed to dispose of HMOP.No.213 of 2024 and HMOP.No.146 of 2022 within a period of six months from the date of the mediation report.

7. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

30.07.2024

Speaking Order/Non Speaking Order
Index : Yes/No
Internet : Yes
Neutral Citation: Yes/No

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To

1. The Subordinate Court,
Tambaram.



2.The Subordinate Judge,
Ambattur.

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M.NIRMAL KUMAR, J.

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