



Tr.C.M.P. No. 735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P. No. 735 of 2024

and

C.M.P. No. 16226 of 2024

R.Kalpana

... Petitioner / Respondent

Vs.

D.Parthiban

... Respondent / Petitioner

PRAYER: Transfer Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P. No. 98 of 2024 pending on the file of the Sub Court, Alandur and transfer the same to the Sub Court, Gudiyatham and be tried along with H.M.O.P. No. 10 of 2024 already pending on the file of the Sub Court, Gudiyatham.

For Petitioner : Mr. B.S.Sundaramoorthy

For Respondent : Ms. G.Sumithra

ORDER

The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 11.02.2022 at Thiruporur in Chennai. Due to the disputes and differences, the parties have separated. The husband has initiated



Tr.C.M.P. No. 735 of 2024

H.M.O.P. No. 98 of 2024 on the file of the Subordinate Court at Alandur invoking Section 12(1)(b) of the Hindu Marriage Act, 1955. The wife has also initiated a proceeding for restitution of conjugal rights before the Subordinate Court at Gudiyattam in H.M.O.P. No. 10 of 2024. Pleading that she is unable to travel from Gudiyattam to Chennai, she has moved this transfer petition.

2. Notice was ordered in the transfer petition on 05.08.2024. Ms. G.Sumithra has entered appearance for the respondent. She would stiffly oppose the transfer petition, stating since the parties had set up their matrimonial home within the jurisdiction of the Courts at Alandur, it is better that the proceedings continue here rather than being transferred to Gudiyattam.

3. Learned counsel for the petitioner would state that the wife is unable to travel from Gudiyattam to Chennai for every hearing as the distance is about 180 kilometres and her financial condition is also not very sound.

4. Taking into consideration the inconvenience of the wife and as she pleads both physical and financial inability, I am inclined to accept the transfer. Consequently, H.M.O.P. No. 98 of 2024 on the file of the Subordinate Court at Alandur is withdrawn and transferred to the file of the



Tr.C.M.P. No. 735 of 2024

Subordinate Court at Gudiyattam to be heard and disposed of along with
H.M.O.P. No. 10 of 2024.

5. The learned Judge at Gudiyattam will take note of the fact that the pleadings are not complete in H.M.O.P. No. 98 of 2024. Learned counsel for the petitioner pleads that he will complete the pleadings within four weeks from the date of receipt of the papers in Gudiyattam. The learned Subordinate Judge, Gudiyattam shall take note of the undertaking given by the learned counsel for the petitioner and shall ensure that the pleadings are complete. Once the pleadings are complete, he shall club the case along with H.M.O.P. No. 10 of 2024 and proceed with the suits as expeditiously as possible.

6. In the result, the transfer petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.09.2024

Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No
pal

To



Tr.C.M.P. No. 735 of 2027

1. The Sub Court, Alandur.
2. The Sub Court, Gudiyatham.

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Tr.C.M.P. No. 735 of 2024

V.LAKSHMINARAYANAN, J.,

pal

Tr.C.M.P. No. 735 of 2024

06.09.2024