

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

Tr.C.M.P. No.634 of 2014

&

M.P.No.1 of 2014

B.Ambiga

...Petitioner

versus

M.Mani

...Respondent

Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw H.M.O.P. No.100 of 2013 on the file of Subordinate Court, Arni and to transfer the same to the file of Subordinate Court, Tiruppur.

For Petitioner : Mr.A.K.Kumarasamy

For Respondent : No appearance

ORDER

The wife has come before this Court seeking to transfer H.M.O.P. No.100 of 2013, filed by the respondent/husband on the file of Sub Court, Arni to the file of Subordinate Court, Tiruppur.

2.Though the respondent/husband was served and his name appeared in the cause list, no one entered appearance. This Court proceeds to decide the matter on merits.

3.Considering the fact that the husband is working in Tirupur and he has filed the above H.M.O.P. before Arni, whereas the petitioner is residing in a village in Muthampalalayam Panchayat, Chengapalli Post, Avinasi Taluk, Tiruppur District and it is not possible for her to come over to Arni, which is about 500 kms. away from Tiruppur. Moreover, she also filed M.C. No.2 of 2014 on the file

of Judicial Magistrate, Avinashi.

4.Taking into consideration the petitioner is a lady and she has to travel 500 kms to go to appear before the Court, it is appropriate to transfer the H.M.O.P. No.100 of 2013 from the file of Sub Court, Arni to the file of Sub Court, Tirupur. Similarly M.C. No.2 of 2014, which has been filed by the petitioner on the file of Judicial Magistrate, Avinashi is also directed to be tried along with the aforesaid H.M.O.P. before the Sub Court, Tiruppur.

5.The petition is ordered accordingly. However, there is no order as to costs. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Arni

2.The Subordinate Judge,
Tiruppur.

1 CC to Mr.A.K.Kumarasamy, Advocate SR.No. 14156

Tr.C.M.P. No.634 of 2014

KK (CO)
PSI (27.03.2015)

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