

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.182 of 2015

and

M.P.Nos.1 and 2 of 2015

T.C.Boobalan ... Petitioner

Vs.

R.Sathyavani ... Respondent

Petition has been filed under Section 24 of C.P.C., praying to withdraw the case in H.M.O.P.No.105 of 2014 from the file of the Subordinate Judge, Hosur and transfer the same to the file of the learned Subordinate Judge, Mettur.

For Petitioner : Mr.J.Ramakrishnan

For Respondent : Mr.B.Manokaran

O R D E R

The husband/respondent in HMOP.No.105 of 2014 on the file of Sub Court, Hosur, has come forward with this petition for transferring the case from Sub Court, Hosur to Sub Court, Mettur, stating that both the spouses are residing within the jurisdiction of Sub Court, Mettur. It is also stated that when the respondent/wife was working at Hosur, she filed the HMOP for divorce on the ground of cruelty and now the respondent/wife is working at Omalur, Salem District and residing there. The petitioner/husband is working at Nagercoil. Hence, he wants the case to be transferred to the Sub Court, Mettur prayed for an order.

2. Resisting the same, the learned counsel for the respondent/wife submitted that the respondent/wife is still working and living in Hosur. The petitioner is working at Nagercoil and both the spouses are not working and reside in Mettur. Hence, he prayed for dismissal of the petition.

3. Heard the learned counsel appearing on both sides.

4. The respondent/wife filed HMOP No.105 of 2014 on the file of Sub Court, Hosur, on the ground of cruelty. In that petition, the respondent/wife has given her address at Hosur Taluk, Krishnagiri District. Now the petitioner/husband submitted that the wife left the job at Hosur and now working at Omalur, within the jurisdiction of Sub Court, Mettur. But according to the learned counsel for the respondent/wife, the wife is residing and working only at Hosur, within the jurisdiction of the Sub Court, Hosur. Further, it is admitted by both sides that the petitioner and the respondent are not working within the jurisdiction of Sub Court, Mettur. But in paragraph-7 of the affidavit, it is specifically mentioned that the petitioner is working in a Wind Mill at Nagercoil, which was also not within the jurisdiction of Sub Court, Mettur. In such circumstances, I am of the view that this petition deserves to be dismissed as devoid of merits, since neither the petitioner nor the respondent is residing within the jurisdiction of Sub Court, Mettur.

5. At this stage, the learned counsel for the respondent wants a direction to the Sub Court, Hosur for earlier disposal of the HMOP. In such circumstances, the Sub Judge, Hosur is directed to dispose of the HMOP No.105 of 2014 pending on his file, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

mra

To

1. The Subordinate Judge,
Hosur.

+1 cc to M/S.V.S.Mannarsamy Advocate sr.67878/15

+1 cc to M/s.J.Ramakrishnan Advocate sr.67754/15

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