



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.40 of 2015

and

M.P.No.1 of 2015

O.R.Chitra

.. Petitioner

Vs

S.Karthick

.. Respondent

Prayer: Civil Revision Petition filed under Section 24 of the Civil Procedure Code, 1908 to withdraw the case in H.M.O.P.No.125 of 2014 on the file of the Subordinate Court at Ponneri and transfer the same to the file of the Subordinate Court at Tiruttani.

For Petitioner : Mr.S.MD Shabeer

For Respondent : Mr.A.G.Rajan

O R D E R

This petition has been filed to withdraw the case in H.M.O.P.No.125 of 2014 on the file of the Subordinate Court at Ponneri and transfer the same to the file of the Subordinate Court at Tiruttani.

2.Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in H.M.O.P.No.125 of 2014 for divorce on the ground of cruelty, before the Sub Court, Ponneri. It is further submitted that the petitioner/wife is residing in Tiruttani and hence, it is difficult for her to travel from Tiruttani to Ponneri to attend each and every hearing. It is also submitted that already the petitioner/wife had filed a maintenance case in M.C.No.6 of 2014 on the file of the Judicial Magistrate Court, Tiruttani. Therefore, she prays that the case may be transferred from the Sub Court, Ponneri to the file of the Sub Court, Tiruttani.

3.Resisting the same, the learned counsel for the respondent would submit that even though the matter was referred for mediation, the petitioner/wife is not willing for re-union and her only view is to drag on the proceeding. Hence, he prayed for dismissal of the Transfer petition.



4.Considered the rival submissions made on both sides and perused the typed set of papers.

5.Considering the argument advanced by the learned counsel for the petitioner, since the petitioner is residing in Tiruttani it is difficult for her to travel from Tiruttani to Ponneri to attend each and every hearing and furthermore, maintenance case in M.C.No.6 of 2014 filed by the petitioner is also pending before the Judicial Magistrate Court, Tiruttani, I am of the view that it is a fit case to order transfer. Accordingly, the petition in H.M.O.P.No.125 of 2014 is ordered to be withdrawn from the file of the Sub Court, Ponneri and transferred to the file of the Sub Court, Tiruttani, for disposal in accordance with law. The Presiding Officer, Sub Court, Ponneri, is directed to transmit all the records pertaining to H.M.O.P.No.125 of 2014 to the Sub Court, Tiruttani, within a period of fifteen days from the date of receipt of a copy of this order. The Presiding Officer, Sub-Court, Tiruttani, is directed to dispose of the petition in H.M.O.P.No.125 of 2014, on day-to-day basis, within a period of six months from the date of receipt of the material papers.

6.Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cse

To

- 1.The Sub Court, Ponneri.
- 2.The Sub Court, Tiruttani.

+1cc to Mr.A.G. Rajan, Advocate, S.R.No.63417
+1cc to Mr.S. Mohammed Shabeer , Advocate, S.R.No.

VSN(CO)
EU(14/12/2015)

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