



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2015

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.375 of 2014
and
M.P(MD)No.1 of 2014

Ranjith Kumar

... Petitioner

Vs.

Aarthi

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.218 of 2013 on the file of the Principal Sub Judge, Kumbakonam to Family Court, Trichy.

For Petitioner : Mr.T.Banumathy
For Respondent : Mr.S.Balaraman

ORDER

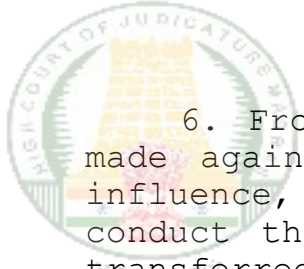
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.218 of 2013 on the file of the Principal Sub Judge, Kumbakonam to Family Court, Trichy.

2. The petitioner herein is the husband and the respondent is the wife. The marriage was solemnized between the petitioner and the respondent on 16.09.2013 as per Hindu Rites and Customs. After the marriage, he came to know that the respondent is suffering from mental disorder. Therefore, he filed H.M.O.P.No.218 of 2013 before the Principal Sub Court, Kumbakonam for divorce. According to the petitioner, the respondent's family is highly influenced in Kumbakonam and they have political influence. In view of this, his previous Advocate returned the case bundle to the petitioner. Other Advocates from Kumbakonam also are not willing to conduct the case on behalf of the petitioner. Therefore, he engaged an Advocate from Trichy. Whenever, the petitioner and his Advocate go to Sub Court, Kumbakonam they are being threatened by the respondent's Family.

3. According to the petitioner, he will not be in a position to conduct the case properly at Sub Court, Kumbakonam. He is residing at Trichy. Therefore, he sought for transfer of H.M.O.P.No.218 of 2013 from the file of Principal Sub Court, Kumbakonam to the file of Family Court, Trichy.

4. The counsel for the respondent submits that the respondent will be put great hardship if the petition is transferred to Family Court, Trichy and therefore, prayed for dismissal of Tr.C.M.P.

5. Heard the learned counsel for the petitioner and for the respondent.



6. From the pleadings it is seen that serious allegations are made against the family members of the respondent. Due to their influence, the Advocates from Kumbakonam Bar are not willing to conduct the petitioner's case. At the same time if the case is transferred to Family Court, Trichy, the respondent will be put to difficult to attend each and every hearing. Therefore, it will be in the interest of justice and convenience of both the parties, the H.M.O.P.No.218 of 2013 is transferred to some common place I.e., Sub Court, Thanjavur.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.218 of 2013 on the file of the Principal Sub Court, Kumbakonam, is hereby withdrawn and transferred to the file of the Sub Court, Thanjavur, if the same is not yet disposed of. The learned Principal Sub Court, Kumbakonam, is directed to send the case bundles to the Sub Court, Thanjavur, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

8. The H.M.O.P, is pending from the year 2013. The Sub Court, Thanjavur is directed to dispose the case as expeditiously as possible in any event not later than 31st January 2016.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Principal Subordinate Court,
Kumbakonam.
- 2.The Subordinate Court, Thanjavur.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai

+One cc to Mr.B.Jameel Arasu, Advocate, SR.No.28419

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RL/5 c- 23/6/2015

Tr.C.M.P. (MD) No.375 of 2014
05.06.2015