



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2015

CORAM:

THE HONOURABLE MS. JUSTICE V.M. VELUMANI

Tr.C.M.P.(MD).No.414 of 2014 and

M.P.(MD).No. 1 of 2014

K.Nalambika

: Petitioner

Vs.

M. Thangapandian

: Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.295 of 2014 on the file of the Sub Court, Tambaram and transfer the same to the Sub Court, Theni.

For Petitioner	: Mr. V.S. Balamurugan
For Respondent	: Mr. M. Vivekanandan for Mr. Veerakathiravan

ORDER

This petitioner, who is the respondent in HMOP.No.295 of 2014 filed this petition, to transfer HMOP.No.295 of 2014, from the file of the Sub - Court, Tambaram, to Sub-Court, Theni.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 27.08.2006 as per Hindu Rites and Customs. Twin daughters were born in the wedlock. After marriage, both were residing in the matrimonial home at Chennai. Due to mis-understanding between the petitioner and respondent, the petitioner was sent out from matrimonial home and residing with her parents. The respondent filed HMOP.No.140 of 2013 before the Sub-Court, Theni, for divorce. Subsequently, the petitioner filed HMOP.No.189 of 2013, before Sub Court, Theni, for restitution of conjugal rights. Both the HMOPs were taken up together before the Lok Adalat and the same was settled between the parties, as per the joint compromise memo filed by them. Subsequently, the respondent refused to take the petitioner to matrimonial home and he filed HMOP.No.295 of 2014, before the Sub-court, Tambaram, for divorce.

3. Now, the petitioner is staying with her aged parents at Theni along with twin daughters. The distance between Theni and Tambaram is approximately 500 Kilometers and it is very difficult for the petitioner to travel or each and every hearing to attend HMOP.NO.295 of 2014, before the Sub Court, Tambaram. Further, the petitioner is not having any independent income. The petitioner is only depending on her parents for her day-to-day expenses, including the travel expenses. In the circumstances, the petitioner has filed the present petition to transfer HMOP.No.295 of 2014, from the file of the Sub-Court, Tambaram, to Sub-Court, Theni.



4. The learned counsel appearing for the respondent submitted that the respondent has no objection to allow this petition and he has also made an endorsement to that effect.

5. Heard the learned counsel appearing for both parties.

7. Recording the above said endorsement made by the learned counsel for the respondent, the Transfer CMP is allowed and HMOP No.295 of 2014, pending on the file of the Sub-Court, Tambaram, is ordered to be withdrawn and transferred to the file of the Sub-Court, Theni. The learned Subordinate Judge, Tambaram, is directed to transmit the entire records pertaining to the case in HMOP No.295 of 2014 to the transferee Court, within a week from the date of receipt of a copy of this order. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Sub Court, Tambaram

2.The Sub Court, Theni

Copy to:

The Section Officer,

VR Section,

Madurai Bench of Madras High Court,

Madurai.

+1cc to Mr.Veera Kathiravan,Advocate SR.No.31493

Tr.C.M.P. (MD) .No.414 of 2014 and

M.P. (MD) .No. 1 of 2014

16.06.2015

trp

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