



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2015

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.456 of 2014

and

M.P(MD)No.1 of 2014

Sobha

... Petitioner

Vs.

M.Senthilkumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw of H.M.O.P.No.192 of 2014 pending on the file of the Hon'ble Sub-Court, Theni and transfer the same to the file of Hon'ble Sub Court, Thirumangalam, Madurai District.

For Petitioner : Mr.S.K.Patturaja

For Respondent : Mr.A.K.Manickam

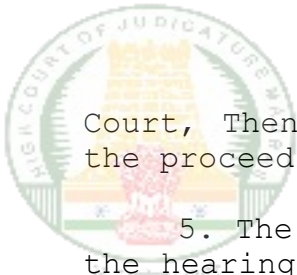
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.192 of 2014 pending on the file of the Hon'ble Sub-Court, Theni and transfer the same to the file of Hon'ble Sub Court, Thirumangalam, Madurai District.

2. The marriage was solemnized between the petitioner and the respondent on 23.05.2010 as per Hindu Rites and Customs at Kamarajar Marriage Hall, Kallupatti. Out of wedlock one male child was born. The petitioner is working as a teacher. Due to misunderstanding, the petitioner left the matrimonial home and residing at M.Kallupatti, Elumalai Post, Madurai District with her parents.

3.The respondent filed H.M.O.P.No.53 of 2013 before the Sub Court, Thirumangalam for Restitution of Conjugal Rights. Subsequently, he has withdrawn the said H.M.O.P., and filed another H.M.O.P.No.192 of 2014 for divorce before the Sub Court, Theni. According to the petitioner, she is native of M.Kallupatti and her jurisdiction Court is Thirumangalam Sub Court. The distance between Theni and her village M.Kallupatti is around 125 k.m. and it is far away from her place and it will be very difficult for her to attend every hearing.

4. The respondent has filed a counter affidavit denying various averments made by the petitioner. In the counter affidavit it is stated that he withdraw the H.M.O.P.No.53 of 2013 for Restitution Conjugal Rights on the assurance given by the petitioner that she would join the petitioner in matrimonial home. But she went back on her promise in spite of the advice of the elders and well wishers. The Court in Thirumangalam is only a camp Court. The Sub Court, Usilampatti is nearer to the petitioner's place. The present petition seeking transfer from Sub



Court, Theni to Sub Court, Thirumangalam is only with a view to drag on the proceedings and harass the respondent.

5. The petitioner being a lady is finding it very difficult to attend the hearing in the Court at Theni. Therefore, she prayed for transfer the H.M.O.P.No.192 of 2014 on the file of the Sub Court, Theni to Sub Court, Thirumangalam.

6. The respondent has stated that the Court at Thirumangalam is only a camp Court and Sub Court, Usilampatti is nearer to the petitioner's residence.

7. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

8. Considering the pleadings, it will be in the interest of justice, this Transfer Civil Miscellaneous petition is allowed and the case in H.M.O.P.No.192 of 2014 on the file of the Sub Court, Theni is transferred to Sub Court, Usilampatti. The Sub Court, Theni is directed to send all the bundles to the Sub Court, Usilampatti. 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. The learned Sub Court, Usilampatti is directed to complete the trial as expeditiously as possible not later than 30.09.2015.

Sd/-
Assistant Registrar RTI

/True Copy/

Sub- Assistant Registrar

To

1.The Sub Court,
Theni.

2.The Sub Court,
Usilampatti.

Copt to:-The Section Officer,
V.R.Section,
Madurai Bench of Madras High court,
Madurai.

+1cc to Mr.S.K.Patturaja, Advocate in SR.No. 18511
+1cc to Mr.A.K.Manickam, Advocate in SR.No. 17989

Sm:28.04.2015:2P/6C
am

Tr.C.M.P. (MD)No.456 of 2014
09.04.2015