



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2015

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P(MD)No.465 of 2014

and

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

Banumathi @ Priya

: Petitioner/Respondents

Vs.

Ganeshkumar

: Respondent/Petitioner

Prayer : This petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in HMOP No.117 of 2014 on the file of the Sub Court, Sivagangai and to transfer the same to the Sub Court, Devakottai.

For Petitioner

: Mr.L.Sasikumar

for M/s.Chettinad Legal Solutions

For respondent

: Mr.R.Vijayakumar

ORDER

The petitioner being the respondent in HMOP No.117 of 2014 on the file of the Sub Court, Sivagangai, after invoking the provisions of section 24 of the Code of Civil Procedure, has filed this petition to withdraw the matrimonial proceedings in HMOP No.117 of 2014 from the file of the learned Sub Court, Sivagangai and to transfer the same to the Sub Court, Devakottai, for disposal.

2.Heard **Mr.L.Sasikumar**, learned counsel appearing for the petitioner and **Mr.R.Vijayakumar**, learned counsel appearing for the respondent.

3.The marriage between the petitioner and the respondent was solemnized on 07.11.2011. On account of matrimonial tiff, they have been living separately for the past more than 2 years, however, they have not blessed with any issue. The main ground assigned for transfer of the above petition is the distance between Karaikudi where the petitioner is residing and Sivagangai.

4.Mr.L.Sasikumar, learned counsel appearing for the petitioner has argued that the petitioner has been residing at



Karaikudi and that the distance between Karaikudi and Sivagangai is nearly 100 kms (to and fro) and without the assistance of any adult members, she could not travel all along from Karaikudi to Sivagangai for the purpose of attending the matrimonial proceedings for each and every hearing.

5.Mr.R.Vijayakumar, learned counsel appearing for the respondent has strenuously opposed to allow this application, because the maximum distance between Karaikudi and Sivagangai would be 40 kms and it is absolutely false to state that the distance between Karaikudi and Sivagangai is more than 100 km.

6.It is apparent from the records that the respondent is at present working at Singapore and the petitioner has stated in para 9 of the petition that she was informed by her relatives that the respondent is going to get second marriage and trying to leave India for the purpose of 2nd marriage.

7.However, this court after hearing both sides and on perusal of the averments of the petition finds that it may be expedient to transfer the petition in HMOP No.117 of 2014 from the file of the Sub Court, Sivagangai to the file of the Sub Court, Devakottai as requested by the petitioner.

8.Accordingly, the petition is allowed and the petition in HMOP No.117 of 2014 is ordered to be withdrawn from the file of the Sub Court, Sivagangai and transferred to the file of the Sub Court, Devakottai for disposal, in the manner known to law. The transferor Court is ordered to transmit the entire records forthwith to the file of transferee Court, without any delay and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter within a period of four months thereafter. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To,

1.The Subordinate Judge, Sivagangai.

2.The Subordinate Judge, Devakottai.

+1cc to Mr.Rm.Arun Swaminathan, Advocate Sr.No.68914

+1cc to Mr.R.Vijayakumar, Advocate Sr.No.68707

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AA/SKS-RR/17.12.2015/2p-5c

TrCMP (MD) No.465 of 2015

Date :01.12.2015