



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANITr.C.M.P(MD)No.126 of 2015 and
M.P(MD)No.1 of 2015Vanitha ... Petitioner
Vs.

M.Vinothkumar ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.16 of 2015 on the file of the Sub-Court, Uthamapalayam, Theni District and transfer the same to the file of Sub Court, Periyakulam, Theni District for adjudication.

For Petitioner : Mr.D.Balamurugapandi
For Respondent : Mr. M.A.M.Raja**ORDER**

The Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.16 of 2015 on the file of the Sub-Court, Uthamapalayam, Theni District and transfer the same to the file of Sub Court, Periyakulam, Theni District, for adjudication.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 10.02.2011, as per Hindu Rites and Customs. Two children were born on 09.11.2011 and 13.11.2013 in the wedlock. Subsequently due to misunderstanding, both the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.16 of 2015 before the Sub Court, Uthamapalayam, for divorce.

3. Now, the petitioner is residing at Melmangalam Village, Periyakulam Taluk, Theni District. According to the petitioner, the respondent and his relatives threatened her in the Court at Uthamapalayam. In the circumstances, the petitioner has filed this petition to transfer the aforesaid HMOP No.16 of 2015, filed by the respondent husband, before the Sub Court, Uthamapalayam, to Sub Court, Periyakulam.

4.The learned counsel for the respondent has filed counter affidavit denying the averments made by the petitioner. In the counter affidavit, the respondent has stated that the Sub Court, Periyakulam is situated 2 kms away from the petitioner's residence, while the Sub Court, Theni is situated only 6 kms away from the petitioner's house and however respondent has no objection to transfer the HMOP to Sub Court, Theni and



he has also made an endorsement to that effect.

5. Heard the learned counsel appearing for parties.

6. Considering the reasons given by the petitioner and the endorsement made by the respondent, the Transfer Civil Miscellaneous Petition is disposed of.

7. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.16 of 2015, on the file of the Sub Court, Uthamapalayam, is hereby withdrawn and transferred to the file of the Sub Court, Theni, if the same is not yet disposed of. The learned Sub Judge, Uthamapalayam, is directed to send the case bundles to the Sub Court, Theni, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

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To

1. The Subordinate Judge, Uthamapalayam.
 2. The Subordinate Judge, Theni.
 3. The Principal District Judge, Theni
- +1CC to M/S.M.A.M.Raja Advocate Sr.No.43762

GJM/DP/JAP/SAR(AD)-2.9.15-2P-5C

Tr.C.M.P(MD)No.126 of 2015 and
M.P(MD)No.1 of 2015
Dated: 31.07.2015