



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2015

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

TR.CM.P.(MD) No.240 of 2015

and

M.P.(MD) No.1 of 2015

E.Latha

... Petitioner

-vs-

P.Sivakumar

... Respondent

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.25 of 2015, on the file of the Subordinate Court at Sankari, Salem District and transfer the same to Principal Subordinate Court at Sivagangai District.

For Petitioner : Mr.R.Udhayakumar

For Respondent : Mr.N.Mohideen Basha

O R D E R

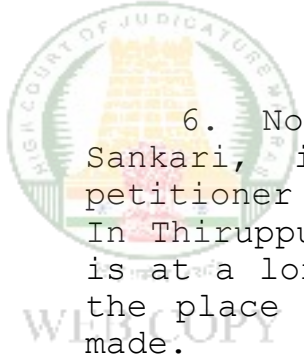
Wife wants transfer of her husband's H.M.O.P.No.25 of 2015 filed for divorce, from Sub Court, Sankari, to the Principal Sub Court, Sivagangai.

2. Petitioner Latha married respondent Sivakumar, on 29.08.2012, in Bhavani Kuduthurai Sangameswara Temple, according to the Hindu Rites and Customs. They started their married life in Sankari in Salem District. Difference of opinion arose between them. She came back to her parent's house in Thiruppuvanam in Sivagangai District. He filed H.M.O.P.No.25 of 2015, in the Sub Court, Sankari, for dissolution of marriage. She wants transfer of the said H.M.O.P. to Sivagangai, which is nearer to her place of stay, namely, Thiruppuvanam.

3. According to the learned counsel for the petitioner, the petitioner has support for her residence and maintenance in Thiruppuvanam. She has no support in Sankari in Salem District. In such circumstances, H.M.O.P.No.25 of 2015 may be transferred from Sankari, in Salem District, to Sivagangai.

4. On the other hand, the learned counsel for the respondent would submit that on imaginary allegation, the petitioner wants transfer. There is no basis for the allegation that the respondent has threatened her. Actually, she wants to harass the respondent.

5. I have considered the rival submissions and perused the materials on record.



6. Now, H.M.O.P.No.25 of 2015, is pending in Sub Court, Sankari, in Salem District. Because of family dispute, the petitioner has come down to Thiruppuvanam in Sivagangai District. In Thiruppuvanam, she has moral, legal and family support. Sankari is at a long distance from Thiruppuvanam. Sivagangai is nearest to the place of her stay. Thus, valid ground for transfer has been made.

7. In the circumstances, ordered as under:

- i. H.M.O.P.No.25 of 2015 is transferred from the Sub Court, Sankari, to the Principal Sub Court, Sivagangai.
- ii. The learned Sub Judge, Sankari, shall send the entire case-records in H.M.O.P.No.25 of 2015 to the Principal Sub Court, Sivagangai, forthwith.

8. Accordingly, this transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

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To:

1.The Principal District Judge,
Salem.

2.The Principal District Judge,
Sivagangai.

2.The Sub Judge,
Sankari.

3.The Principal Sub Judge,
Sivagangai.

+One cc to M/s.R.Udhayakumar, Advocate, SR.No.63321

krk

RL/ARL/5 c- 6/11/2015

TR.CM.P.(MD) No.240 of 2015
and
M.P.(MD) No.1 of 2015