



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2015

CORAM:
THE HONOURABLE MR.JUSTICE P.DEVADASS

TR.CM.P.(MD) No.254 of 2015
and
M.P.(MD) No.1 of 2015

Kavitha

... Petitioner

-vs-

Suresh

... Respondent

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.88 of 2013, from the Sub-Court, Ambasamudram and to transfer the same case to any other competent court in Theni District for further proceedings.

For Petitioner: Mr.F.X.Eugene

For Respondent: Mr.M.Thirunavukkarasu

O R D E R

This is a transfer civil miscellaneous petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.88 of 2013, from the file of Sub Judge, Ambasamudram, and transfer the same to any other competent court in Theni District.

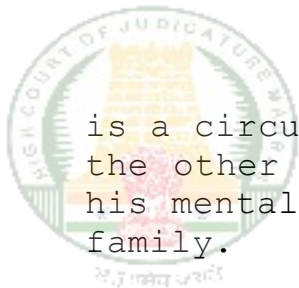
2. Petitioner and respondent are spouses. They were gifted with a male child, but not a happy married life. There seems to be difference of opinion between them. Respondent wants divorce, but she wants reunion / restitution.

3. He filed H.M.O.P.No.88 of 2013, in the Sub Court, Ambasamudram, seeking divorce. In this, she filed an interlocutory application under Section 24 of the Hindu Marriage Act, 1956. It is stated to be pending.

4. In the meanwhile, the petitioner filed M.C.No.3 of 2015, under Section 125 Cr.P.C., in the Court of the learned Chief Judicial Magistrate, Theni. Respondent is a Software Engineer, but the petitioner states that he is not soft. Respondent is employed in Chennai. Petitioner is in her parents' house in Theni along with her child.

<https://hcservices.ecourts.gov.in/hcservices/>

5. Respondent says that he is a dutiful brother, he has to take care of his mentally ill sister. From Theni to Ambasamudram, it



is a circuitous route for petitioner to travel with her child. On the other hand, the respondent, as a brother, has to take care of his mentally ill sister. But, he has the supporting elders in his family.

6. Considering the constraints to which the spouses are put to and the difficulties which the petitioner undergoes outweighed the difficulties of her husband. In the circumstances, valid ground for transfer has been made out.

7. In the circumstances, ordered as under:

- (i) H.M.O.P.No.88 of 2013, pending on the file of the Sub Court, Ambasamudram, Tirunelveli District, is transferred to the file of Sub Court, Theni,
- (ii) The Transferrer Court / Sub Court, Ambasamudram shall send the case records to the Transferree Court / Sub Court, Theni, forthwith.

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

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

krk

To:

1.The Principal District Judge, Tirunelveli.

2.The Principal District Judge, Theni.

3.The Subordinate Judge, Sub-Court, Ambasamudram.

4.The Subordinate Judge, Sub-Court, Theni.

+1cc to Mr.F.X.EUGENE, ADVOCATE SR NO.45922

+1CC TO MR.M.THIRUNAVUKKARASU,ADVOCATE SR NO.45476

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and

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