

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.672 of 2015
and MP.No.1 of 2015

M.Kavitha .. Petitioner

Vs.

K.Murali ... Respondent

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.55 of 2015 on the file of the Hon'ble Sub Court, Ponneri and transfer the same on the file of the Hon'ble Sub Court, Arani to be tried along with H.M.O.P. No.65 of 2015.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : No Appearance

ORDER

Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the causelist.

2. The petitioner filed proceedings in HMOP No.65 of 2015 before the Sub Court, Arani praying for a decree of divorce. The respondent on the other hand filed HMOP No.55 of 2015 before the Sub Court, Ponneri invoking Section 9 of the Hindu Marriage Act, 1955. The petitioner now seeks an order to transfer the proceedings in HMOP No.55 of 2015 from the file of Sub Court, Ponneri to the file of Sub Court, Arani for trial along with HMOP No.65 of 2015.

3. According to the petitioner, it would not be possible for her to appear before the Court at Ponneri for defending the proceedings in HMOP No.55 of 2015. The petitioner is having 2 ½ years old child and as such it would not be possible for her to travel all along from Arani to Ponneri.

4. There is nothing on record to disbelieve the case pleaded by the petitioner. I am therefore of the view that the transfer petition deserves to be allowed.

5. In the result, the proceedings in HMOP No.55 of 2015 is withdrawn on the file of the Sub Court, Ponneri and it is transferred to the file of the Sub Court, Arani for trial along with HMOP No.65 of 2015.

The transfer petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmi/gya

To

1. The Sub Judge, Ponneri.

2. The Sub Judge, Arani.

1 cc to M/s.K.Govi Ganesan, Advocate, sr.53839

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rsk co
kra 19.10.2016

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