

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.CMP.No.751 of 2015
and MP.No.1 of 2015

M.Ramalakshmi

.. Petitioner

Vs.

R.Jayakumar

.. Respondent

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the petition in HMOP.NO.125 of 2015 on the file of the Subordinate Judge, Udumalpet, Tiruppur District and transfer the same to the file of the Sub Court, Pollachi, Coimbatore District.

For Petitioner : Mr.C.Veeraraghavan
For Respondent : No Appearance

ORDER

The petitioner has filed this transfer petition for withdrawal of the proceedings in HMOP.No.125 of 2015 from the file of Subordinate Court, Udumalpet and transfer to the Sub Court at Pollachi.

2. Heard the learned counsel appearing for the petitioner. None appears for the respondent inspite of printing his name in the causelist after service.

3. The respondent filed the matrimonial proceedings in HMOP.No.125 of 2015 against the petitioner before the Subordinate Court, Udumalpet, for divorce. The petitioner on receipt of summons filed this transfer petition.

4. The petitioner is said to be a permanent resident of Pollachi. According to the petitioner, it would not be possible for her to appear before the Court at Udumalpet, in view of her residence at Pollachi. Moreover, a case in DVA.No.6 of 2015, filed by the petitioner under Domestic Violence Act is pending before the Judicial Magistrate No.II, Pollachi. The respondent is obliged to appear before the said Court at Pollachi.

5. There is nothing on record to disbelieve the case pleaded by the petitioner. Therefore, I am of the view that the matter requires transfer.

6. In the result, the proceedings in HMOP.No.125 of 2015 is withdrawn from the file of Subordinate Court, Udumalpet, and is transferred to the file of Sub Court, Pollachi, for disposal on merits.

The transfer petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2016

Index : Yes/No

ds

K.K.SASIDHARAN,

1.

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2015

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