

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR.C.M.P.NO.537 OF 2012

AND

M.P.NO.1 OF 2012

R.Hemalatha

... Petitioner

versus

G.Murugesan

.... Respondent

PRAYER: Petition filed under section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.223 of 2011 on the file of the Sub-Court, Srivilliputhur and transfer the same to the Sub Court, Tiruppur.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : No appearance

O R D E R

The respondent filed a petition in H.M.O.P.No.223 of 2011 before the Sub Court, Srivilliputhur, against the petitioner, praying for a decree of divorce. The petitioner on receipt of notice from the Trial Court, filed this Transfer Civil Miscellaneous Petition for transfer.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent in spite of printing his name in the cause list, after service.

3. It is the case of the petitioner that she is a permanent resident of Tiruppur. The respondent is stated to be a resident of Coimbatore. According to the petitioner, it was only to cause her difficulties, the respondent initiated the proceedings before the Sub Court at Srivilliputhur.

4. The petitioner has come up with a grievance that it would not be possible for her to defend the proceedings, which is pending before the Sub-Court at Srivilliputhur. According to the petitioner, the Sub Court at Srivilliputhur has no jurisdiction to entertain the divorce petition.

5. There is nothing on record to suspect the bonafides in filing this Transfer Civil Miscellaneous Petition. I am therefore of the view that the Transfer Civil Miscellaneous Petition deserves to be allowed.

6. The proceedings in H.M.O.P.No.223 of 2011 is withdrawn from the file of Sub-Court, Srivilliputhur and is transferred to the file of Sub-Court, Tiruppur, for disposal on merits.

7. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Subordinate Judge,
Srivilliputhur.
2. The Subordinate Judge,
Tiruppur.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.59015

सत्यमेव जयते

TR.C.M.P.NO.537 OF 2012

VD(CO)
CA(22/11/2016)

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