

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.170 of 2016
and
C.M.P.No.4777 of 2016

Mrs.Siva Kamala ... Petitioner/Respondent

Vs

Mr.Poonguntran Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer the case in H.M.O.P.No. 7 of 2016 on the file of the Sub Court, Neyveli, Cuddalore District to Sub Court, Kumbakonam, Tanjore District.

For Petitioner : Mr.V.Vadivel
For Respondent : Mr.P.Ravikumar

O R D E R

Petitioner has filed the present petition seeking transfer of H.M.O.P.No. 7 of 2016 on the file of the Sub Court, Neyveli, Cuddalore District to Sub Court, Kumbakonam, Tanjore District.

2. Learned counsel for petitioner submits that the respondent/husband has filed H.M.O.P.No. 7 of 2016 on the file of Sub Court, Neyveli, Cuddalore District for restitution of conjugal rights. As the petitioner has to take care of her aged parents and her father chronically is ill, she finds it difficult to travel from Thanjavur to Neyveli to attend the case in H.M.O.P.No. 7 of 2016 filed by the respondent/husband. Hence, the petitioner prays for transfer of H.M.O.P.No. 7 of 2016 on the file of the Sub Court, Neyveli, Cuddalore District to the file of Sub Court, Kumbakonam, Tanjore District.

3. Learned counsel for respondent submits that after the initiation of the present case, the respondent/wife has filed a complaint of alleging domestic violence in D.V.C.No. 2 of 2016 on the file of learned Second Additional District cum Judicial Magistrate, Kumbakonam as also an application for maintenance in M.C.No. 8 of 2016 and the respondent is facing threats from petitioner's side.

4. Considering the rival submissions, Section 19(iii)(a) of the Hindu Marriage Act as also that in any event, the petitioner would have to attend the other cases pending at Kumbakonam, this Court directs transfer of H.M.O.P.No. 7 of 2016 on the file of learned Sub Court, Neyveli, Cuddalore District to the file of learned Sub Court, Kumbakonam, Tanjore District.

The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.

vsg

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

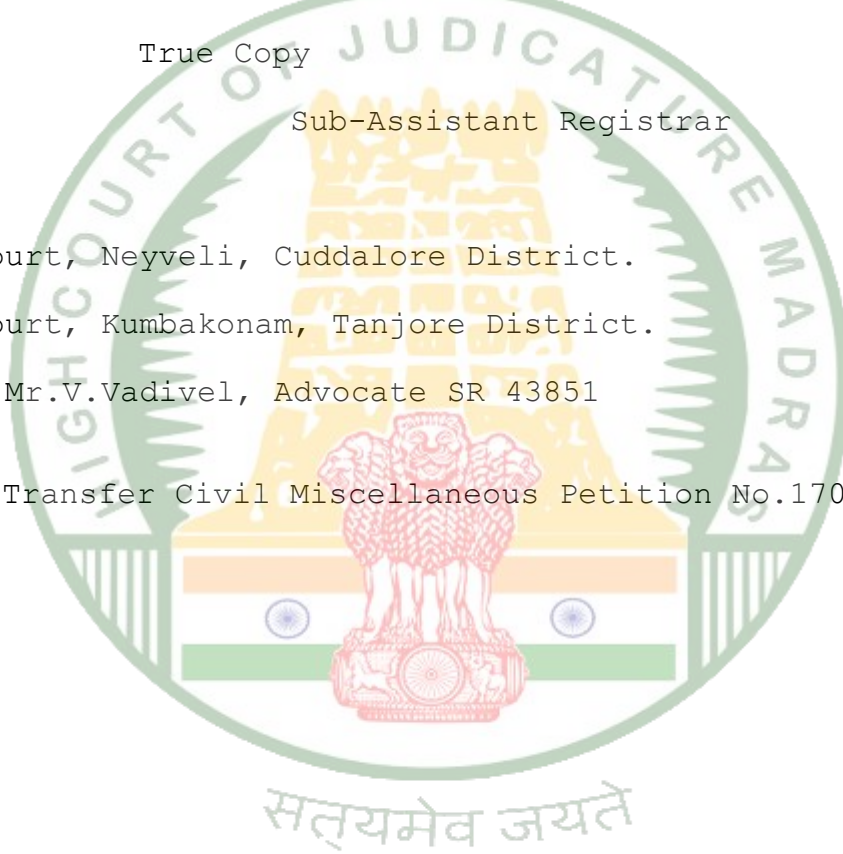
1. Sub Court, Neyveli, Cuddalore District.

2. Sub Court, Kumbakonam, Tanjore District.

+ 1 cc to Mr.V.Vadivel, Advocate SR 43851

nrjk(co)

prk31/8 Transfer Civil Miscellaneous Petition No.170 of 2016



WEB COPY