

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.654 of 2013
and
M.P.No.1 of 2013
and
CMP.NO.5043/16

R.Maduravani
D/o.V.Ramasamy

..Petitioner/Petitioner

Vs.

N.Manikandan
S/o.SN.Nainarsamy

..Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw the proceedings in HMOP No.16/2012 now pending on the file of the Principal Subordinate Judge Tenkasi and transfer the same to the file of the Subordinate Judge at Tambaram.

For Petitioner : Mr.A.Ganapatheeswaran

For Respondent : No Appearance

O R D E R

Even though the respondent has been served and the name of the respondent appears in the cause list, the respondent has not chosen to appear before this Court either in person or through a pleader. Hence, the matter is decided on merits.

2. Petitioner has filed the present petition seeking transfer of H.M.O.P.No.16 of 2012 on the file of learned Principal Sub Judge, Tenkasi, to the file of learned Sub Judge, Tambaram.

3. Learned counsel for petitioner submits that petitioner and respondent are wife and husband. Differences arose between them. Petitioner/wife has filed H.M.O.P.No.16 of 2012 on the

file of Principal Sub Judge, Tenkasi seeking divorce. At present, she is staying with her parents in Chennai. As the petitioner cannot travel alone and has to seek the assistance of her aged father or mother, she finds it difficult to travel from Chennai to Thenkasi for each and every hearing. Therefore, petitioner seeks transfer.

4. When the matter was taken up for hearing, the learned counsel for the petitioner brings to the notice of this Court that the case which was pending on the file of Principal Sub Court, Tenkasi has been transferred to Additional Sub Court, Tenkasi. A memo has also been filed on behalf of the petitioner.

5. Considering the submissions made, this Court directs transfer of H.M.O.P.No.16 of 2012 from the file of learned Additional Sub Judge, Tenkasi, to the file of learned Sub Judge, Tambaram.

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

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Sub Judge, Tenkasi.
- 2.The Additional Sub Judge, Tenkasi.
- 3.The Sub Judge, Tambaram.

+ 1 cc to Mr.A.Ganapatheeswaran, Advocate Sr 40923

KR/1/8/16

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