

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.212 of 2016

And

C.M.P.No.6038 of 2016

Soatti @ Krishnabai

... Petitioner/Respondent

Versus

D.Lakshmana Gir Singh

... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 173 of 2013 on the file of the Principal Sub Court, Cuddalore and transfer the same to the file of the Family Court, Erode.

For Petitioner : Mr.P.T.Ramadevi

For Respondent : No appearance

O R D E R

The respondent in H.M.O.P.No. 173 of 2013 on the file of Principal Sub Court, Cuddalore is the petitioner in the transfer petitioner.

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. The proceedings in H.M.O.P.No. 173 of 2013 was instituted by the respondent against the petitioner praying for a decree of divorce. The maintenance case filed by the petitioner against the respondent is pending before the Chief Judicial Magistrate Court at Erode. The request now is to transfer the proceedings in H.M.O.P.No. 173 of 2013 to a Court at Erode.

4. The petitioner is a resident of Erode. According to her, it would not be possible to travel to Cuddalore for the purpose of defending the proceedings in H.M.O.P.No. 173 of 2013. There is nothing on record to suspect the bona fides in filing the transfer petition. The petitioner has therefore made out a case for transfer.

5. In the result, the proceedings in H.M.O.P.No. 173 of 2013 is withdrawn from the file of Principal Sub Court, Cuddalore, and is transferred to the file of Family Court, Erode, for disposal on merits.

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

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

vsg

To

1. The Principal Subordinate Judge, Cuddalore,
2. The Judge Family Court, Erode.

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aa14/10/2016

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