

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

TR C.M.P.No.272 of 2016
and
C.M.P.No.7490 of 2016

K.Sinthamani ... Petitioner

vs.

P.Tamilselvan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw the HMOP No.24 of 2014 on the file of the Subordinate Judge, Dharapuram and transfer the same to the Subordinate Court, Erode.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.Ma.P.Thangavel

O R D E R

The petitioner initiated proceedings in HMOP No.24 of 2014 before the Subordinate Judge at Dharapuram, praying for a decree of divorce. The Original Petition was contested by the respondent.

2. The petitioner has come up with this petition for transfer. According to the petitioner, it would not be possible for her to prosecute the proceedings effectively in case the same is continued before the Subordinate Court at Dharapuram.

3. The learned counsel for the petitioner contended that the petitioner is residing at Chettipalayam and she has to travel about 250 kms to reach the Subordinate Court at Dharapuram. Therefore, the matter requires transfer.

4. The learned counsel for the respondent, on the other hand, submitted that the petitioner has already been examined as PW.1 on 8.10.2015. She was cross-examined on 15.10.2015. The matter is posted for further evidence on the side of the petitioner. It was only at that point of time, the petitioner has come up with this Transfer Petition. According to the learned counsel, the respondent would co-operate for an early disposal of the matter.

5. The matrimonial proceedings in HMOP No.24 of 2014 was initiated by the petitioner praying for a decree of divorce. The petitioner has been prosecuting the proceedings by appearing before the Subordinate Court at Dharapuram.

6. The trial appears to have been commenced long back. According to the respondent, the petitioner has already been examined and cross-examined and the matter is posted for further evidence. There is no question of transfer of proceedings at this point of time. If the petitioner is really aggrieved on account of the distance factor, she should have filed the Transfer Petition before commencement of trial. I am therefore of the view that the petitioner has not made out a case for transferring the proceedings.

7. The learned Subordinate Judge at Dharapuram is directed to dispose of the matrimonial proceedings in HMOP No.24 of 2014 as expeditiously as possible.

8. The Transfer CMP is dismissed with the above observation. No costs. Connected Civil Miscellaneous Petition is closed.

-sd/-

Assistant Registrar

/ TRUE COPY /

Sub-Assistant Registrar

asvm

To

The Subordinate Judge,
Dharapuram.

+1 cc to MR.K.MYILSAMY Advocate SR.NO. 66580/2016

+1 cc to M/S.MA.P.THANGAVEL Advocate SR.NO. 66231

सत्यमेव जयते

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s.v[co]

RD 09/12/2016