

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.303 of 2016
and
CMP.No.8354 of 2016

S.Vanmathi ThoshibaPetitioner/Respondent

versus

J.Enose @ Enose Selvakumar
...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the I.D.O.P.No.15 of 2015 on the file of Principal District Court, Karur and transfer the same to the Principal District Court, Toothukudi for disposal.

For Petitioner : Mr.N.Mariappan

For Respondent : Mr.P.Anbazhagan

O R D E R

The respondent filed I.D.O.P.No.15/2015 before the Principal District Court, Karur, praying for a decree for divorce.

2. The petitioner on receipt of notice from the trial court filed this petition for transfer.

3. The respondent filed a counter wherein he has indicated that in case the matter is transferred to the District Court, Toothukudi, the petitioner and her relatives would force him to live with her.

4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

5. The petitioner is a resident of Toothukudi District. The petitioner is unemployed. The proceedings initiated by the respondent in IDOP.No.15/2015 is pending before the Principal District Court, Karur. According to the petitioner, the respondent is having a Provision Shop and as such, he has got means to prosecute the proceedings, even if

the same is transferred from Karur to Toothukudi. There is nothing on record to suspect the bonafides in filing the Transfer CMP. I am therefore of the view that the transfer petition deserves to be allowed.

6. The proceedings in IDOP.No.15 of 2015 is withdrawn from the file of Principal District Court, Karur and is transferred to the file of Principal District Court, Toothukudi, for disposal on merits.

7. It is open to the respondent to file appropriate application before the Trial Court to dispense with his personal appearance on the normal dates of hearing subject to the condition that he would appear on all the effective dates of hearing.

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

tsi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal District Court, Karur.

2. The Principal District Court, Toothukudi.

+ 1 cc to Mr.N.Mariappan, Advocate Sr 68042

KR/28/12

Transfer CMP No.303 of 2016

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