

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Tr.CMP.No.359 of 2016
and
C.M.P.No.9679 of 2016

G.Bhavani

... Petitioner

vs

Gyanavel @ Vadivel

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw the petition in H.M.O.P.No.17 of 2016 pending on the file of Sub Court, Gingee and to transfer the same to the learned Sub Court, Ponneri.

For Petitioner : Mrs.S.Deepika

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 HMOP No.17 of 2016 from the file of learned Judge, Sub Court, Gingee, to the file of learned Judge, Sub Court, Ponneri.

3. Learned counsel for petitioner submits that respondent/husband has filed H.M.O.P.No.17 of 2016 on the file of Sub Court, Gingee, seeking divorce. Submitting that petitioner/wife is residing at Manali, she has to take care of her child and hence, she finds it difficult to travel to Gingee to attend the hearing of the case, learned counsel prays for transfer.

4. Learned counsel for respondent submits that transfer of H.M.O.P.No.17 of 2016 on the file of Sub Court, Gingee, to the file of Sub Court, Poneeri, would cause the respondent grave inconvenience.

5. Considering the rival submissions and the further position that the petitioner has to take care of her child and she finds it difficult to travel to Gingee, this Court is of the view that the petition is to be allowed. Accordingly, this Court directs transfer of H.M.O.P.No.17 of 2016 pending on the file of Sub Court, Gingee, to the file of Sub Court, Ponneri.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kkd

To

1.The Subordinate Judge,
Gingee.

2.The Subordinate Judge,
Poneeri.

+ 1 CC to M/s.S.Deepika, Advocate SR NO 38643

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