

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.385 of 2016

And

C.M.P.No.10327 of 2016

Tmt. R.Selvi Petitioner

Versus

Thiru.P.Sundarrajan Respondent

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 14 of 2016 on the file of Subordinate Judge, Sankagiri and transfer the same to the file of Subordinate Court, Udhagamandalam.

For Petitioner : Mr. Thanga Vadhana Balakrishnan
For Respondent : Mr. I.C.Vasudevan

O R D E R

The respondent in H.M.O.P.No. 14 of 2016 has come up with this transfer petition with a prayer to transfer the proceedings to a Court at Udhagamandalam taking into account her residence at Gudalur.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent instituted proceedings against the petitioner in H.M.O.P.No. 14 of 2016 praying for a decree of divorce. The matter is now pending on the file of Subordinate Judge, Sankagiri,

4. According to the petitioner, she is a permanent resident of Gudalur. She has to take care of her minor daughter, aged about 4 years and as such, it would be very

difficult for her to attend the Court at Salem after traveling about 8 hours.

5. According to the petitioner, since the respondent is a landlord, no prejudice would be caused if the case is transferred to the file of Subordinate Court at Udhagamandalam. There is nothing on record to suspect the bona fides in filing the transfer petition. The petitioner has demonstrated that it would be difficult for her to appear before the Court at Sankagiri along with her minor child. I am therefore of the view that the matter requires transfer.

6. In the result, the proceedings in H.M.O.P.No. 14 of 2016 is withdrawn from the file of Subordinate Judge, Sankagiri and is transferred to the file of Subordinate Court, Udhagamandalam, for disposal on merits.

7. The learned trial Judge is requested to dispose of the matter as expeditiously as possible.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg

To

1. The Subordinate Court, Sankagiri.
2. The Subordinate Court, Udhagamandalam.

+1 cc to M/s.Thangavadhana Balakrishnan Advocate sr 54059

+1 cc to M/s.I.C.Vasudevan Advocate sr 53905

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