

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.481 and 482 of 2016
and C.M.P.Nos.13141 and 13142 of 2016

S.Balaji ... Petitioner in both Tr.C.M.Ps

Vs.

S.Karthika ... Respondent in both Tr.C.M.Ps

Petitions filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.26 of 2014 and H.M.O.P.No.79 of 2015 from the file of the I Additional Subordinate Court, Nagercoil and transfer the same to the Subordinate Judge, Poonamallee, Thiruvallur District.

For Petitioner in both Tr.C.MPs : Mr.C.K.M.Appaji
For Respondent in both Tr.C.MPs : Sd/- No Appearance

O R D E R

The petitioner has filed these Transfer miscellaneous petitions to withdraw the proceedings pending before the I Additional Subordinate Court, Nagercoil in H.M.O.P.Nos.26 of 2014 and 79 of 2015 and transfer the same to the Subordinate Court, Poonamallee, Thiruvallur District.

2. The petitioner-husband filed H.M.O.P.No.26 of 2014 for dissolution of marriage before the I Additional Subordinate Court, Nagercoil. The respondent-wife filed H.M.O.P.No.79 of 2015 for restitution of conjugal rights before the same Court.

3. It is stated that both the matrimonial proceedings were clubbed together and joint trial was ordered. But, the respondent-wife is not cooperating for completion of trial. It is also further stated that both petitioner and respondent are residing at Thiruvallur District. It is difficult for them to attend the hearing at Nagercoil. Hence, he sought for transferring the said H.M.O.Ps to the Sub Court, Poonamallee, Thiruvallur District.

4. Though the respondent had been served with notice and her name having been printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. Taking into consideration the facts and circumstances of the case and the grievances of the petitioner, this Court finds that the petitioner is entitled for the transfer of the case from Nagercoil to Thiruvallur. Accordingly, these Tr.C.M.Ps are allowed and H.M.O.P.No.26 of 2014 and H.M.O.P.No.79 of 2015 pending on the file of the I Additional Subordinate Court, Nagercoil, shall stand transferred to the file of the Subordinate Judge, Poonamallee, Thiruvallur District. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

/true copy/

Sub-Assistant Registrar

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To

1. The Subordinate Court, Nagercoil
2. The Subordinate Court, Poonamallee, Thiruvallur District.

+1 CC to C.K.M. Appaji, Advocate, (SR 73512,73513)

सत्यमेव जयते

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