

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.599 of 2016

Dhanalakshmi : Petitioner

versus

M.Manivannan : Respondent

Transfer Petition filed under Section 24 of CPC to withdraw the petition in HMOP No.106 of 2015 on the file of Sub Court, Chidambaram and transfer the same to the file of Sub Court, Kumbakonam.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : Mr.A.Muthukumar

O R D E R

The respondent initiated proceedings for divorce in H.M.O.P.No.106 of 2015. The petitioner has come up with this petition for transfer.

2. When this transfer petition came up on an earlier occasion, the learned counsel for the respondent by placing reliance on the order dated 6 April 2016, in Tr.C.M.P.No.215 of 2006, contended that the petitioner earlier filed a petition before this Court for transfer and the said petition was dismissed by this Court. The learned counsel therefore contended that the present transfer petition is not maintainable.

3. The petitioner subsequently appeared in person and submitted that it was not with her knowledge that the petition was filed by the lawyer, who represented her before the Trial Court. According to the petitioner, she is presently residing at Kumbakonam and as such, it would be difficult for her to defend the proceedings pending before the Subordinate Court at Chidambaram.

4. In view of the background facts, I have directed the learned counsel for the respondent to take instruction as to whether it would be convenient for him also in case the matter is transferred to a nearby Court. The learned counsel for the respondent on instruction submitted that the respondent has no objection in case the proceedings is transferred to the Principal Subordinate Court at Mailaduthurai.

5. There is no dispute that the petitioner earlier filed a transfer petition before this Court and the same was dismissed. Even then, I am of the view that the request made by the petitioner requires to be considered in view of the difficulties pleaded by her in the affidavit filed in support of the transfer petition.

6. In the result, the proceedings in H.M.O.P.No.106 of 2015 is withdrawn from the file of Sub Court, Chidambaram and is transferred to the file of the Principal Subordinate Court, Mayiladuthurai, for disposal on merits.

7. The transfer miscellaneous petition is disposed of with the above direction. No costs. Consequently, C.M.P.No.16301 of 2016 is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

tar

To

1. The Subordinate Judge,
Chidambaram

2. The Principal Subordinate Judge
Mayiladuthurai

1 cc to Mr.S.S. Swaminathan, Advocate, Sr. 70798

1 cc to Mr.A. Muthukumar, Advocate, Sr. 70764

सत्यमेव जयते

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LRS (CO)
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