

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HON'BLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.680 OF 2016

and

C.M.P.No.17779 of 2016

Anandhi

... Petitioner

Vs.

Chandramohan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the HMOP No.63 of 2016 pending on the file of the Sub Court, Valliyur, Tirunelveli District and to transfer the same to the file of the Sub Court, Poonamallee.

For petitioner : Mr.M.Purushothaman

For respondent : Mr.S.Ravi

O R D E R

The present transfer petition has been filed by the petitioner / wife against the respondent / husband for transfer of HMOP No.63 of 2016 pending on the file of the Sub Court, Valliyur, Tirunelveli District to the Sub Court, Poonamallee.

2. Admittedly, the respondent/husband has filed HMOP No.63 of 2016 before the Sub Court, Valliyur, Tirunelveli District against the petitioner/wife under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955.

3. In para No.13 of the affidavit in support of the petition for transfer, it is stated that the respondent/husband is working in Soorapattu in Chennai and that the petitioner/wife is also residing with her parents in Chennai. The said fact was also admitted by the respondent/husband. It is also stated that it would be difficult for the petitioner/wife to go to the Sub Court at Valliyur in Tirunelveli District for each and every hearing and she could not bear the expenses. It is further stated that the respondent/husband only to create mental agony has filed the above petition before the Sub Court at Valliyur. Since both of them are living in Chennai and the Sub Court at

Poonamallee would be nearer from her residence to attend the hearings, the above petition has been filed seeking transfer.

4. Considering the facts and circumstances of the case and also taking into account the fact that both the petitioner and the respondent are living in Chennai, HMOP No.63 of 2016 filed by the the respondent/husband before the Sub Court, Valliyur, Tirunelveli is withdrawn and is ordered to be transferred to the Sub Court, Poonamallee. The Court below is directed to transmit all the papers pertaining to the above petition immediately to the Sub Court at Poonamallee, after receipt of a copy of this order.

5. The transfer petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vj2

To

1. The Subordinate Judge, Valliyur, Tirunelveli District.
2. The Subordinate Judge, Poonamallee

2 ccs to Mr.M. Purushothaman, Advocate, Sr. 74122
1 cc to Mr. S. Ravi, Advocate, Sr. 74059

सत्यमेव जयते

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