



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Tr.C.M.P(MD)No.482 of 2015

and

CMP.(MD)No.1 of 2015

J.Nandhidha

: Petitioner/Respondent

Vs.

S.Selvakumar

: Respondent/Petitioner

Prayer: This petition is filed Section 24 of the Code of Civil Procedure to withdraw the case in HMOP No.184 of 2015 on the file of the Additional Sub Court, Thanjavur District and the same may be transferred to the Sub Court, Tiruchirappalli and may be tried along with MC No.155 of 2015 on the file of the learned Additional Mahilar Court, Tiruchirappalli.

For Petitioner : Mr.M.Karunanithi

For respondent : Mr.G.Karnan

O R D E R

This petition has been filed seeking for transfer of the petition in HMOP No.184 of 2015 pending on the file of the Additional Sub Court, Thanjavur to the Sub Court, Tiruchirappalli to be tried along with MC No.155 of 2015 on the file of the Additional Mahilar Court, Tiruchirappalli.

2.The case of the petitioner is that the marriage between her and the respondent was solemnized on 18.01.2013 at Kavery Deluxe Marriage Hall, Nanjikottai Road, Thanjavur as per the Hindu Rites and Customs and at that time of marriage, they were provided with 60 sovereigns of gold jewels and other household articles to the tune of Rs.3,00,000/- and Rs.4,00,000/- to buy a Car.

3.It is further alleged that the respondent insisted the petitioner to bring more money from her parents house and thereafter, sent her parental house as time was not auspicious and the subsequent efforts for reunion has failed. Thereafter, the respondent filed HMOP No.184 of 2005 before the Additional Sub Judge, Thanjavur, for divorce.

<https://hcservices.ecourts.gov.in/hcservices/> 4.It is further alleged that the petitioner has filed a case in MC No.155 of 2015 before the Additional Mahilar Court, Tiruchirappalli seeking maintenance from the respondent.



5.The learned counsel appearing for the petitioner would submit that the petitioner is a lady aged about 28 years and she finds difficulty to travel at the distance of about 62 kms to attend the case filed by the respondent before the Additional Sub Court, Thanjavur. It is further submitted that the petitioner is also suffering from back pain and the doctor advised her not to travel for long distance. So, the petition pending before the Additional Subordinate Judge, Thanjavur has to be transferred to Tiruchy.

6.Per contra, the learned counsel appearing for the respondent would contend that the distance between Thanjavur and Trichy is only 50 kms and the petitioner need not attend each and every hearing as already she was represented by her counsel and therefore, there is necessity to transfer the case to Trichy.

7.Heard the rival submissions and perused the entire materials available on record.

8.It is not in dispute that the petitioner has already filed a case against the respondent before the Additional Mahilar Court, Trichy in MC No.155 of 2015. It is specifically alleged in the affidavit filed in support of the petition that she is having serious health ailments, including severe back pain and she was advised by Doctor not to travel for long distance.

9.Keeping in view of the above facts, this petition is allowed and the petition in HMOP No.184 of 2015 is ordered to be withdrawn from the file of the Additional Sub Court, Thanjavur and transferred to the file of the Additional Mahilar Court, Tiruchirappalli to be tried along with the petition in MC No.155 of 2015. The transferor Court is ordered to transmit the entire records to the file of transferee Court within a period of two weeks from the date of receipt of a copy of this order. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To,

1.Additional Subordinate Judge,
Thanjavur.



2.The Judge, Additional Mahilar Court,
Trichy.

3.The Subordinate Judge, Trichy.

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+1cc to M/s.M.Karunanithi, Advocate Sr.No.30696

+1cc to M/s.G.Karnan, Advocate SR.No.30694

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TrCMP(MD)No.482 of 2015
& CMP.(MD)No.1 of 2015
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