



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.08.2016

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE K.KALYANASUNDARAM**

Tr.C.M.P (MD) .No.175 of 2016

and

C.M.P (MD) No.3168 of 2016

Saradha

.. Petitioner

Vs.

Vijayakumar

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.183 of 2013 on the file of the learned Subordinate Judge, Kanchipuram and transfer the same to the file of the learned Subordinate Judge, Dindigul.

For Petitioner : Mr.D.Selvaraj

For Respondent : Mr.P.Krishnan

ORDER

This petition is filed to withdraw H.M.O.P.No.183 of 2013 from the file of the Subordinate Court, Kanchipuram, and transfer to the file of the Subordinate Court, Dindigul.

2. The petitioner is the wife of the respondent. The marriage between the petitioner and the respondent was solemnized on 04.12.2011 at Sarvamangala Maha Mandapam, Sri Kanchi Mutt, Tirumala in Andhra Pradesh.

3. The case of the petitioner is that both were working in U.S.A., while so, the respondent came down to India and filed H.M.O.P.No.183 of 2013, against the petitioner for dissolution of marriage before the Sub Court, Kanchipuram.

4. Mr.D.Selvaraj, learned counsel appearing for the petitioner would submit that the petitioner is a lady and her father is a retired Professor and also a heart patient. So she cannot travel more than 600 kilometre to contest the case filed by the respondent before the Sub Court, Kanchipuram.



5. Per contra, Mr.P.Krishnan, learned counsel appearing for the respondent would submit that the divorce petition was filed in the year 2013, the petitioner had already engaged an advocate and also filed her counter. After commencement of the trial, when the case is posted for cross-examination of PW1, this application has been filed to harass the respondent. The respondent has also filed a counter affidavit, dated 15.06.2016.

6. It is not in dispute that the Trial in H.M.O.P.No.183 of 2013 had already commenced and now the case is posted for cross-examination of PW1. It is also to be noted that the case is pending before the Sub Court, Kanchipuram, and the presence of the petitioner before the Trial Court for all hearings is not necessary and she can appear before the Trial Court only at the time of giving evidence. Further, Kanchipuram Town is well connected with Road.

7. In such view of the matter, I do not find any ground to transfer the case. In the result, this Transfer Civil Miscellaneous Petition is dismissed. Consequently connected miscellaneous petition is closed. No Costs.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

The Subordinate Court, Kanchipuram.

+1cc to Mr.D.Selvaraj, Advocate in SR.NO. 45897

+1cc to Mr.P.Krishnan, Advocate in SR.No. 46091

JA-SKS-RR-28.09.2016/2P:4C

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