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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

TR.CMP (MD) No.193 of 2016

B.Karthik

... Petitioner

vs.

K.Pandikumari

... Respondent

Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.16 of 2016 on the file of the Sub-Court, Devakottai, to try along with H.M.O.P.No.115 of 2015 on the file of II Additional Sub Court, Madurai.

For Petitioner : Mr.N.Subramani

For Respondent : Ms.K.R.Shiva Shankari

O R D E R

The marriage between the petitioner and the respondent was solemnized on 16.05.2011 as per the Hindu rites and customs. The petitioner/husband preferred this petition for transferring H.M.O.P.No.16 of 2016 filed by the respondent/wife before the Sub-Court, Devakottai, for divorce, to the II Additional Sub Court, Madurai. The contention of the petitioner is that he filed HMOP.No.115 of 2015 on the file of the Sub Court, Madurai, for restitution of conjugal rights. The only reason set out by the petitioner for transfer is that he was prevented by the parents of the respondent from re-union and by chasing him, the respondent and her parents harassed the petitioner. Therefore, he will not be in a position to attend the court at Devakottai.

2.The learned counsel for the respondent contended that the petitioner is seeking transfer on vague grounds and no specific reason has been assigned for transferring the divorce petition from Devakottai to Madurai.

3.Considering the arguments and counter arguments of both for the petitioner and the respondent, this Court is of the view that the present petition has been filed only on the ground that the parents of the respondent are preventing the petitioner from re-union and further, the respondent is attacking the petitioner. Such a vague ground cannot be considered for



ordering transfer. Hence, this Transfer Civil Miscellaneous Petition is devoid of merits and accordingly dismissed. No costs.

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Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To
The Judge,
Sub Court, Devakottai.

NBI
ANR/EM-MPA/09.11.2016/2P/2C

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