



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.09.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

TR.C.M.P (MD) No.202 of 2016

and

C.M.P. (MD) No.3720 of 2016

R.Chitra

.. Petitioner/Petitioner

vs.

S.Muthukumaran

.. Respondent/Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.521 of 2014 on the file of the Principal Subordinate Court, Trichy and transfer the same to the file of the Subordinate Court, Uthagamandalam.

For Petitioner	: Mr.K.Govindarajan
For Respondent	: Mr.C.Vakeeswaran

ORDER

The petitioner has filed the Transfer Civil Miscellaneous Petition to withdraw H.M.O.P.No.521 of 2014 on the file of the Principal Subordinate Court, Trichy and transfer the same to the file of the Subordinate Court, Uthagamandalam.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent.

3. The learned Counsel for the petitioner would submit that the respondent herein has filed H.M.O.P.No.52 of 2014 before the Principal Subordinate Court, Trichirappalli for divorce and the petitioner herein has filed the present application by contending that she is unable to take escort of the aged person for travelling a long distance from Uthagamandalam to Trichirappalli and also to take the child without any aid. He would further submit that the petitioner is working as a part-time staff in a private school for a monthly salary of Rs.3,000/- and therefore, it is difficult for her to meet out the daily needs and medical expenses for her and to her child. In such circumstances, the petitioner filed the present petition to withdraw H.M.O.P.No.521 of 2014 on the file of the Principal Subordinate Court, Trichy and transfer the same to the file of the Subordinate Court, Uthagamandalam.



4. The learned Counsel appearing for the respondent has strongly objected for transferring the H.M.O.P. by stating that the respondent is working as Deputy Block Development Officer at Trichirappalli and the travel from Trichirappalli to Uthagamandalam would take a considerable time and therefore, his presence at Trichirappalli is required, in view of the local body elections to be held during the coming months. Therefore, it is difficult for the respondent to travel to Uthagamandalam for attending every hearing. Taking into consideration the hardship that would cause to the respondent, the respondent fairly stated that if H.M.O.P. No.521 of 2014 is transferred to any other appropriate Court, he is ready to co-operate for the disposal of H.M.O.P. in the transferred Court.

5. Taking into consideration the above stated facts and circumstances of the case and also in the interest of both parties, this Court is inclined to pass the following orders:

(i) H.M.O.P.No.521 of 2014, which is now pending on the file of the Principal Subordinate Court, Trichirappalli, is hereby withdrawn and transferred to the file of the Principal Subordinate Court, Coimbatore;

(ii) The Subordinate Court, Trichirappalli is directed to send the entire records forthwith to the file of the Principal Subordinate Court, Coimbatore;

(iii) In the event of the said H.M.O.P. is renumbering, the Principal Subordinate Court, Coimbatore is directed to dispose the H.M.O.P. as early as possible, preferably within a period of three months from the date of receiving the entire records from the Subordinate Court, Trichirappalli, provided the parties shall co-operate for enquiry before the Principal Subordinate Court, Coimbatore.

6. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1.The Principal Subordinate Court, Trichirappalli.

2.The Principal Subordinate Court, Coimbatore.

+1cc to Mr.C.Vakeeswaran, Advocate SR.No.53112

+1cc to Mr.K.Govindarajan, Advocate SR.No.52969

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