



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.320 2016
and
C.M.P(MD)No.5840 of 2016

Nisha Parveen

... Petitioner

Vs.

A.Anwarlall

... Respondent

PRAYER : Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in O.S.No.103 of 2016, pending before the learned Principal District Munsif, Karur and transfer the same to any of the competent Court at Dindigul.

For Petitioner : M/s.Radhi Sathish
For Respondent : Mr.N.Shanmuga Selvam

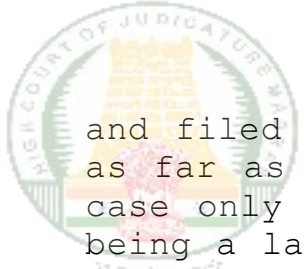
ORDER

This Transfer Civil Miscellaneous petition has been filed to withdraw the case in O.S.No.103 of 2016, pending before the learned Principal District Munsif, Karur and transfer the same to any of the competent Court at Dindigul.

2. The petitioner states that the marriage between the petitioner and respondent was solemnized on 30.08.2015 as per the Hindu Rites and customs and due to the strained relationship between the parties, the respondent/husband filed O.S.No.103 of 2016 before the Principal District Munsif Court, Karur seeking relief for declaration and for permanent injunction. Under these circumstances, the petitioner/wife filed this petition, seeking transfer of the case from the Principal District Munsif Court, Karur to any of the competent Court at Dindigul.

3. The respective counsel both for the petitioner and the respondent are heard.

4. The petitioner has categorically stated that she is depending on her parents and not in a position to travel from Dindigul to Karur, which is 100 Kilometers away. She has no income on her own and struggling even to meet out the day to day expenditures. Contrarily, the respondent is working at Chennai



and filed a suit at Karur. Therefore, it makes less difference, as far as the respondent is concerned, and he has to conduct the case only coming from Chennai. But the petitioner is concerned, being a lady, she has to travel and further pleaded her inability to spend for travelling. Therefore, the reasonable cause lies in the case of the petitioner and she is entitled for the relief as sought for.

5. While allowing the transfer of cases, the hardship to be caused to the respective parties will be the criteria and in the present case on hand, it is clear that the respondent is in a well settled position and he has to conduct the case either at Karur or at Dindigul and it makes less difference as far as the respondent is concerned.

6. In view of facts and circumstances of the case, it is preferable to conduct the case at Dindigul and no inconvenience will be caused to the respondent, as he is residing at Chennai. In view of these factors, the petition in TR.C.M.P.(MD)No. 320 of 2016 is allowed and O.S.No.103 of 2016 pending before the learned Principal District Munsif, Karur is ordered to be transferred to the file of the Principal District Munsif Court, Dindigul, forthwith. No costs. Consequently, C.M.P.(MD)No.5840 of 2016 is closed.

Sd/-

Assistant Registrar(writs)

/True copy/

Sub Assistant Registrar

To

1. The Principal District Munsif, Karur.
2. The Principal District Munsif, Dindigul.

+1cc to Mr.N.Sathish Babu, Advocate SR.No.61574
+1cc to Mr.N.Shanmugaselvam, Advocate SR.No.61517

pmu

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and
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