



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.03.2016

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

TR.C.M.P(MD)No.33 of 2016 and C.M.P(MD)No.711 of 2016

WEB COPY

Pushparani

.. Petitioner/Respondent

Vs.

Ramasubramaniam

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 and 151 of Civil Procedure Code to withdraw the case in H.M.O.P.No.120 of 2015 pending on the file of the Sub Court, Pollachi, Coimbatore District and transfer the same to the file of any other competent Court in Trichy District.

For Petitioner : Mr.M.Jeyaraman

For Respondent : Mr.K.Abiya

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.120 of 2015 pending on the file of the Sub Court, Pollachi, Coimbatore District and transfer the same to the file of any other competent Court in Trichy District.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.04.1999. After the marriage, both were lived in the matrimonial home at Valparai. One male child was born on 04.12.2008 and one female child was born on 14.09.2011 in the wedlock. The respondent ill-treated the petitioner by demanding more dowry. Due to the dispute, the petitioner left the matrimonial home along with her female daughter and she was residing at Musiri. While so, the respondent filed H.M.O.P.No.120 of 2015 for divorce, on the file of the Sub Court, Pollachi. The petitioner filed M.C.no.24 of 2015 claiming maintenance on the file of the Judicial Magistrate, Thuraiyur (Camp Court), Sub Court, Trichy.

3.Now, the petitioner is residing with her parents along with her female child at Musiri. The distance between the Musiri and Pollachi is more than 200 kms. She is finding it very difficult to travel from Musiri to Pollachi along with her female child without help of others. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Trichy. She is not having any independent income and she is depending on her parents for day to day expenses including travel expenses.

4.The respondent filed counter affidavit and typed set of papers and denying the allegations made by the petitioner that he is having illicit relationship with another lady. According to the respondent, the petitioner deserted the respondent and minor son, due to her illegal activities. From the date of marriage to till the date of desertion she swindled a



sum of Rs.12,00,000/- from the respondent and now the respondent and his son residing at Coimbatore. The respondent is aged 54 years and due to desertion by the petitioner, he suffered mentally and cruelly. The respondent married the petitioner as second wife and got two children, subsequently, she had illegal relationship and left the matrimonial home along with female child.

5.The learned counsel for the respondent submitted that the respondent is sick and he has to take care of the school going son and he is having a small petty shop for his livelihood. He has got fracture in his left side leg, so he is not able to move freely and he is suffering from diabetic and he is taking treatment from Government Hospital, Valparai and prayed for dismissal of the Transfer petition.

6.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.120 of 2015, filed by the respondent/Husband before the Sub Court, Coimbatore and transfer the same to the file of any other competent Court in Trichy District.

7.Heard the learned counsel appearing for the petitioner and the respondent.

8. At the time of hearing, both the learned counsel for the petitioner and respondent submitted that the H.M.O.P.No.120 of 2015 may be transferred to some common place.

9. In view of the submissions made by both sides, this Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.120 of 2015, on the file of the Sub Court, Pollachi, is hereby withdrawn and transferred to the file of the Sub Court, Palani. The learned Sub Judge, Pollachi is directed to send the case bundles to the Sub Court, Palani, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, C.M.P(MD)No.711 of 2016 is closed.

Sd/
Assistant Registrar(RTI)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Subordinate Judge,Pollachi.

2.The Subordinate Judge,Palani.

Copy to: The Section Officer,V.R.Section,

Madurai Bench of Madras High Court,Madurai.

+1cc to M/S.M.Jeyaraman, Advocate in SR.No.13021

+1cc to M/S.K.Abiya, Advocate in SR.No. 13423

TR.C.M.P (MD)No.33 of 2016

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