



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.09.2016

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

TR.C.M.P(MD)No.353 of 2016

and

C.M.P. (MD)No.6696 of 2016

Rega .. Petitioner/Respondent

vs.

A.Sankara Naraya Moorthy .. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.73 of 2016, pending on the file of the Court of Subordinate Judge, Aruppukottai and transfer the same to the Subordinate Court, Udumalaipettai, Tiruppur District.

For Petitioner : Mr.G.Marimuthu
For Respondent : Mr.A.Thiruvadikumar

ORDER

The petitioner has filed the Transfer Civil Miscellaneous Petition to withdraw the case in H.M.O.P.No.73 of 2016, pending on the file of the Court of Subordinate Judge, Aruppukottai and transfer the same to the Subordinate Court, Udumalpet, Tiruppur District.

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.73 of 2016 before the Subordinate Court, Aruppukottai for divorce against the petitioner herein. The petitioner is residing along with her parents at Udumalpet and the petitioner is having three years old child. The further contention of the learned Counsel appearing for the petitioner is that the distance between Aruppukottai and Udumalpet is more than 300 km. Hence, the travel by the petitioner and her child for the long distance would cause loss and injury. Therefore, the learned Counsel for the petitioner requested to withdraw the case in H.M.O.P.No.73 of 2016, pending on the file of the Court of Subordinate Judge, Aruppukottai and transfer the same to the Subordinate Court, Udumalpet, Tiruppur District.



4. The learned Counsel appearing for the respondent would submit that the petitioner is residing at Udumalpet and therefore, it may not be proper to transfer the said H.M.O.P. to Udumalpet. He would further submit that the respondent herein is now working at USA and his native place is Aruppukottai, Virudhunagar District. Therefore, the distance to reach Udumalpet is far away from his native place and the same will also cause prejudice to the respondent.

5. By considering the facts and circumstances of the case and also considering the grievance of the petitioner and also in the interest of justice, this Court is inclined to pass the following orders:

(i) H.M.O.P.No.73 of 2016, which is now pending on the file of the Subordinate Court, Aruppukottai, Virudhunagar District, is hereby withdrawn and transferred to the file of the Subordinate Court, Dharapuram, Tiruppur District forthwith;

(ii) The Subordinate Court, Aruppukottai, Virudhunagar District is directed to send the entire records forthwith to the file of the Subordinate Court, Dharapuram, Tiruppur District;

(iii) In the event of transfer of the said H.M.O.P.No.73 of 2016 is transferred to the file of the Subordinate Court, Dharapuram, Tiruppur District. The Subordinate Court, Dharapuram, Tiruppur District is directed to dispose the H.M.O.P. as expeditiously as possible, provided the parties shall co-operate for enquiry before the Subordinate Court, Dharapuram, Tiruppur District.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Court, Aruppukottai.

2.The Subordinate Court, Dharapuram, Tiruppur District.

+1 cc to MR.A.THIRUVADIKUMAR, Advocate SR.No.53329

+1 cc to MR.G.MARIMUTHU, Advocate SR.No.52889

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