



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.390 of 2016

and

C.M.P(MD)No.7607 of 2016

Mrs.Rajeswari

... Petitioner/Respondent

vs.

M.Vijayakumar

... Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.156 of 2014 on the file of the learned Subordinate Judge, Kovilpatty and transfer the same to the learned Subordinate Judge, Sankarankovil.

For Petitioner : Mr.J.Mathesh

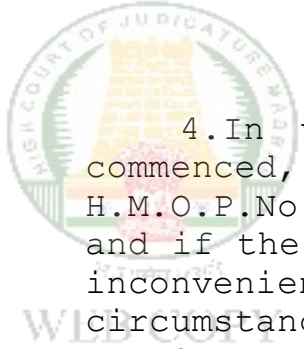
For Respondent : B.Vijayakumar

ORDER

The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 09.02.2014 as per the Hindu rites and customs. Due to the strained relationship between the petitioner and the respondent/husband, the petitioner is forced to leave the matrimonial home with her children and now living with her parents. The respondent/husband filed H.M.O.P.No.156 of 2014 on the file of the learned Subordinate Judge, Kovilpatty seeking divorce.

2.The contention of the petitioner is that it is difficult to travel about 130 Kilometres to attend the divorce case filed before the learned Subordinate Judge, Kovilpatty and she has no independent sources of income to spend and defend the case filed by the respondent/husband at Kovilpatty. Hence, she filed this petition to transfer the case filed by the husband.

3.The learned counsel for the respondent vehemently opposed the transfer civil miscellaneous petition filed by the petitioner stating that already trial has been commenced before the learned Subordinate Judge, Kovilpatty and the proof affidavit has also been also filed and the case is posted for cross examination.



4. In view of the fact that as the trial has already been commenced, it is not preferable to transfer the case in H.M.O.P.No. 156 of 2014 to the Subordinate Judge, Sankrankovil, and if the said H.M.O.P. will be transferred, it would cause great inconvenience to the litigant parties. Considering the facts and circumstances of the case, this Court is not inclined to transfer H.M.O.P.No. 156 of 2014 from the file of the learned Subordinate Judge, Kovilpatty to the file of learned Subordinate Judge, Sankrankovil.

5. In the result, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. Subordinate Judge,
Kovilpatty.

+1 cc to MR.R.VIJAYAKUMAR, Advocate SR.No.69900

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SMA/PV/14.12.2016:2P/3C