



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2016

Coram:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P. (MD).No.449 of 2016
and C.M.P. (MD) No.9009 of 2016

K.Indurani .. Petitioner/Defendant

Vs.

M.Kannan .. Respondent/Plaintiff

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to transfer the original suit in O.S.No.145 of 2015 from the file of the learned Sub Judge at Uthamapalayam and post it before the Sub Judge at Srivilliputhur or any other competent Court.

For Petitioner : Mr.T.Thangamani
For Respondent : Mr.Chamundi Boss

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking for transfer of original suit in O.S.No.145 of 2015 from the file of the learned Sub Judge at Uthamapalayam to the file of the Sub Judge at Srivilliputhur or any other competent Court.

2. The respective counsels both for the petitioner and the respondent are heard.

3. The contention of the petitioner is that the plaintiff in O.S.No.145 of 2015 is nephew of the petitioner's husband and the petition filed by the petitioner for maintenance and the petition filed by the petitioner's husband for divorce are also pending and hence, the petitioner prays for transfer of the suit.

4. The said suit was filed by the respondent/plaintiff for recovery of money and the petitioner is seeking transfer of the suit along with matrimonial cases pending before other courts. Therefore, there is no prima facie case made out for transfer of the suit along with matrimonial cases under the Hindu Marriage Act. Hence, this Court is of the view that the petitioner has not assigned any reasonable or meaningful ground to transfer the suit from the Subordinate Court, Uthamapalayam to the Subordinate Court, Srivilliputhur, Virudhunagar District.



5. This petition devoid of merits and the same is dismissed. No costs. Consequently, connected C.M.P.(MD) No.9009 of 2016 is also dismissed.

Sd/
Assistant Registrar(Crl.Side)

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Sub Assistant Registrar.

To,
The Sub Judge, Uthamapalayam

+1CC to M/S.T.Thangamani, Advocate, SR.No. 64603
+1CC to M/S.Chamundi Bose, Advocate, SR.No. 64005

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