

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.351 of 2017
and
C.M.P.No.6879 of 2017

Sasikala ... Petitioner

Vs.

Chelladurai ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.155 of 2016 pending on the file of the Subordinate Court at Namakkal and transfer the same to the file of Subordinate Court, Devakottai, Sivagangai District to try along with H.M.O.P.No.28 of 2017.

For Petitioner : Mr.C.Prabakaran
For Respondent : No appearance

ORDER

It appears that the notice through Court as well as privately was served on the respondent as early as in the month June, 2017. However, there is no representation for the respondent either in

person or through counsel.

2. The transfer petition is filed by the petitioner, who is the wife in a matrimonial dispute, seeking to withdraw the H.M.O.P.No.155 of 2016 pending on the file of the Subordinate Court, Namakkal and transfer the same to the file of Subordinate Court, Devakottai, Sivagangai District, to be tried along with H.M.O.P.No.28 of 2017, filed by her for divorce.

3. The main reason for their separation and break down of the marriage is said to be cruelty and ill treatment. The petitioner/wife is living with her parents at Devakottai and it would be difficult for her to travel to Namakkal for every hearing. It is stated that both the proceedings are pending only in the Sub Court of the respective Districts. There is no necessity for the parties to appear in person except during the time of trial.

4. As the respondent has not appeared before this Court either in person or through counsel, it has to be inferred that the respondent has got no objection for the said transfer.

5. Considering the averments made in the transfer petition

and the fact that the petitioner is also not employed, this Court is inclined to transfer the H.M.O.P. No.155 of 2016 pending on the file of the Subordinate Court, Namakkal to the file of Subordinate Court, Devakottai, Sivagangai District, to be tried along with H.M.O.P.No.28 of 2017.

6. Accordingly, this Transfer Civil Miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.10.2017

srn/rsi

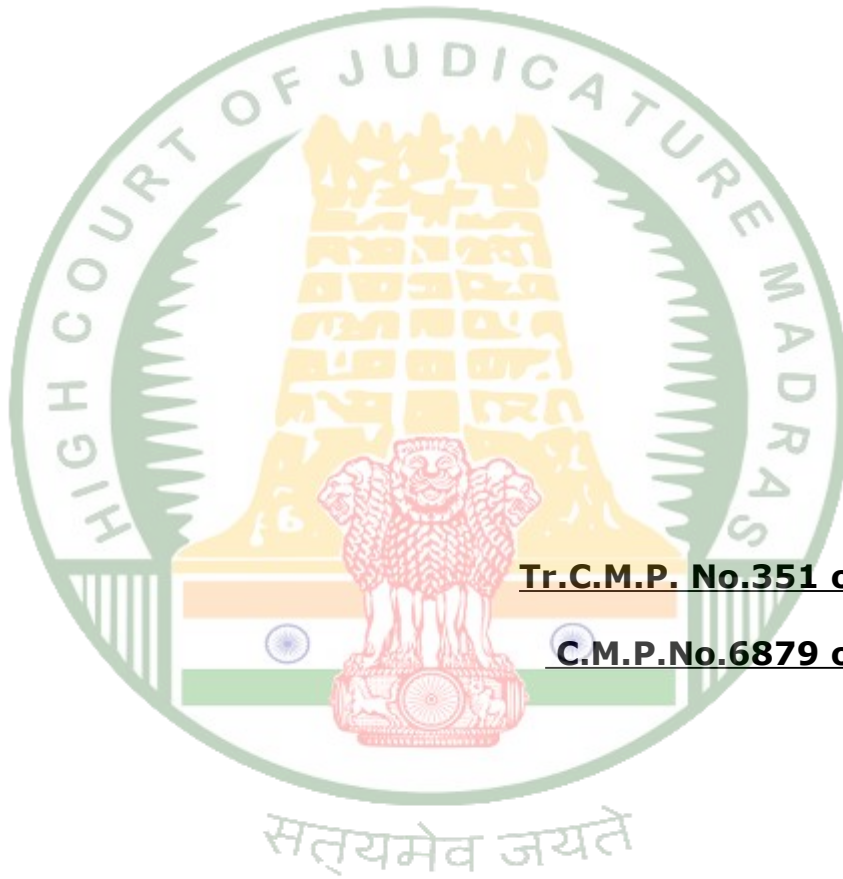
To

- 1.The Sub Court,
Namakkal.
2. The Sub Court,
Devakottai, Sivagangai District.

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PUSHPA SATHYANARAYANA, J.

srn



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