

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.478 of 2017

and CMP.No.9961 of 2017

S. Vidyasagar

...Petitioner/Respondent

Versus

P. Premalatha

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, praying to withdraw and transfer the H.M.O.P.No.73 of 2017 pending on the file of the Principal Sub-Ordinate Judge, Tenkasi, Tirunelveli District to learned Sub-Ordinate Court, Tambaram, Kancheepuram District or to any competent court to try the same.

For Petitioner : Mr.J.Selvarajan
For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner/husband seeking to withdraw H.M.O.P.No.73 of 2017, pending on the file of the Principal Sub-Ordinate Judge, Tenkasi, Tirunelveli District and transfer the same to the learned Sub-Ordinate Court, Tambaram, Kancheepuram District or to any competent Court.

2. The above said H.M.O.P.No.73 of 2017 was filed under Section 13(1) (1 a) (1 b) of Hindu Marriage Act for divorce by the wife who is the respondent herein. There are two children born out of the wedlock between the petitioner and the respondent and both are living in Chennai. Now the transfer is sought for by the petitioner/husband stating that though the H.M.O.P.No.73 of 2017 is filed before the Sub-Court, Tenkasi, the wife is not residing there and she is also living in Chennai with her children at Door No.29/F3, V.O.C. Nagar, Venkataraman Street, Pammal. Chennai - 75. In proof of the same, the learned counsel for the petitioner/husband has produced the bonafide certificate from the school where the two children are studying. The respondent/wife also seems to have received the registered post and signed the acknowledgment card in the address given in Chennai.

3. It is the contention of the learned counsel for the petitioner that the H.M.O.P.No.73 of 2017 is filed by her in Tenkasi as her

father is residing there. It is also stated that she is staying two streets away from the petitioner's residence. Hence, he prays that it would be convenient for both the parties if the proceedings in H.M.O.P.No.73 of 2017 is withdrawn and transferred to Subordinate Court, Tambaram.

4. Heard the learned counsel for the petitioner. Despite the notice being served on the respondent/wife and counsel entered appearance, there was no representation on behalf of the respondent on the previous hearing. Even today, though the matter is listed under the caption "for orders", there is no representation for the respondent.

5. Considering the facts and circumstances of the case, this Court deems it fit to transfer the H.M.O.P.No.73 of 2017 pending on the file of the Principal Sub-Ordinate Judge, Tenkasi, Tirunelveli District to learned Sub-Ordinate Court, Tambaram, Kancheepuram District.

6. Accordingly, transfer Civil Miscellaneous Petition is allowed. The H.M.O.P.No.73 of 2017, pending on the file of the Principal Sub-Ordinate Judge, Tenkasi, Tirunelveli District is withdrawn and transferred to the file of learned Sub Ordinate Court, Tambaram, Kancheepuram District. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

raja/arr

To

1. The Principal Sub-Ordinate Judge,
Tenkasi, Tirunelveli District.
2. The Sub-Ordinate Judge,
Tambaram, Kancheepuram District.

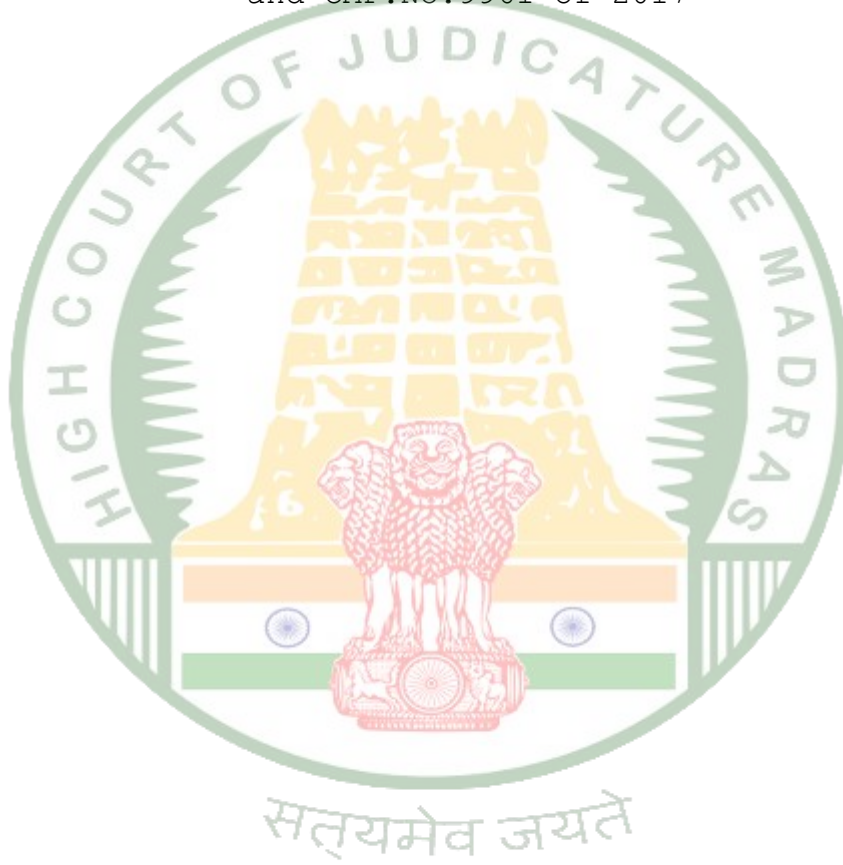
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+1 CC to Mr.J.Selvarajan, Advocate SR.No.76899

CO-NRJK

ths : 20.11.2017

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