

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:23.11.2017
CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.211 of 2015
and M.P.No.1 of 2015

P. Amutha ... Petitioner
versus
B. Aanandha Bharathi ... Respondent

Prayer: This transfer petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.304 of 2014 pending on the file of the Hon'ble Principal Sub Court, Tiruppur and to transfer the same to the Hon'ble Family Court, Erode.

For Petitioner : Mr.N.Ponraj
For Respondent : Mr.T.Munirathinam Naidu

O R D E R

The petitioner/wife in the matrimonial dispute has filed the above Transfer Civil Miscellaneous Petition, seeking to withdraw H.M.O.P.No.304 of 2014, pending on the file of Principal Sub Court, Tiruppur filed by the respondent/husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act for dissolution of marriage held between the petitioner and the respondent on 11.06.1997 and transfer the same to the file of Family Court, Erode.

2. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

3. In Paragraph 5 of the affidavit filed in support of the petition, it is stated that the petitioner/wife will not be in a position to travel alone about 60 kms for each of the hearing to Sub Court, Tiruppur. However, learned counsel appearing for the respondent/husband has stated that the respondent is apprehending danger to his life, if the matter is transferred to Family Court, Erode, as the petitioner/wife side is highly influential. The learned counsel for the respondent would also submit that the respondent/husband would not be aggrieved, if the matter is transferred to any of the Court in and around Erode, which would also be convenient to the petitioner/wife.

4. Considering the rival submissions made by both the counsels and also considering the convenience of both the parties, this Court is inclined to transfer H.M.O.P.No.304 of 2014, pending on the file of Principal Sub Court, Tiruppur to any of the Sub Court in Gopichettipalayam.

5. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.304 of 2014, pending on the file of Principal Sub Court, Tiruppur shall stand withdrawn and transferred to any of the Sub Court in Gopichettipalayam. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Sub Judge,
Tiruppur.

2. The Sub Judge,
Gopichettipalayam.

+1cc jto Mr.D.Selvaraju, Advocate SR.No.83367

Tr.C.M.P.No.211 of 2015
``and M.P.No.1 of 2015

SSI (CO)

sm:15.12.2017



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