

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.341 of 2015

and

M.P.No.1 of 2015

Chitrarasu

.. Petitioner

Vs.

Mareeswari

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the suit in O.S.No.56 of 2015 pending on the file of the District Munsif Court, Aruppukkottai and to transfer the same to Sub-Court, Neyveli.

For petitioner : Mr.T.P.Prabakaran

For respondent : Mr.T.S.Selvarani

ORDER

The first defendant in O.S.No.56 of 2015 on the file of the District Munsif Court, Aruppukkottai, is the petitioner herein (husband). The respondent/wife has filed the said suit for maintenance. This Tr.C.M.P. is filed seeking transfer of the said suit from District Munsif Court, Aruppukkottai to Sub-Court, Neyveli.

2. The reason given by the petitioner is that he is a Senior Technician in the Neyveli Lignite Corporation and he has to travel atleast 400 Kms. on a working day to attend the hearing of the case. The trial is about to commence. The contention of the petitioner is that he was not married to the respondent and he is already married to another woman. Even without proving the factum of marriage, the respondent-wife has filed the suit for maintenance. According to the petitioner-husband, the suit itself is vexatious and if he is compelled to travel to Aruppukkottai for each hearing of the case, he will be taking the risk of losing his job, he being the Senior Tehnician whose presence is required 24x7.

3. Today, both parties are personally present before this Court. They are not able to arrive at any amicable conclusion. The only difficulty expressed by the petitioner is that he will not be able to travel to Aruppukkottai and come back next day

for work. Admittedly, the respondent-plaintiff (wife) is unemployed and not earning. The petitioner-husband has got no objection in paying her the conveyance charges to the place wherever the suit is transferred.

4. Considering the above said facts, this Court is inclined to transfer the suit to Sub-Court, Cuddalore. Accordingly, the suit in O.S.No.56 of 2015 pending on the file of the District Munsif Court, Aruppukkottai, shall stand transferred to the Principal Sub-Court, Cuddalore.

5. With the above directions, the Tr.C.M.P. is disposed of. The petitioner-husband is directed to pay the conveyance charges for each hearing of the case to the respondent-wife. No costs. The Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CCC)

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Sub-Assistant Registrar

Copy to

1. The District Munsif, Aruppukkottai.
2. The Principal Sub-Judge, Cuddalore.

+1 CC to M/s. Selvarani, Advocate sr 6377

+1 CC to Mr. T.P.Prabakaran, Advocate sr 6188

सत्यमेव जयते

Tr.C.M.P.No.341 of 2015

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