

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.425 of 2016
and C.M.P.No.11357 of 2016

Kalai @ Kalaiarasi ... Petitioner/Respondent
vs.
S. Pandian Respondent/Petitioner

Prayer: The petition has been filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.156 of 2015 pending before the Principal Sub Court, Thanjavur and transfer it to the Principal Sub Court, Villupuram.

For Petitioner : Mr.V.G.Anbarasu

For Respondent : Mr.P.V.Selvarajan
for Mr.Govind Chandrasekhar

O R D E R

The petitioner/wife is seeking transfer of H.M.O.P.No.156 of 2015 pending on the file of Principal Sub Court, Thanjavur, filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act, for dissolution of marriage held between the petitioner and the respondent on 18.05.2008 on the ground of cruelty.

2. It is stated that they have been living seperately from November, 2013 and the wife is living with her parents in Villupuram. She also has a minor son in her custody. This is said to be the second round between the parties, the earlier proceedings in the year 2009 having ended in favour of the petitioner/wife. The difficulty expressed by the wife is that she has to travel from Villupuram to Thanjavur and once trial starts, it will be difficult for her to travel, as it takes about five hours by bus to go to Thanjavur. Hence, the transfer is sought for.

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

4. The learned counsel appearing for the respondent opposed the same, stating that if the respondent has to travel from Thanjavur to Villupuram, it will take minimum six hours and it

will be difficult for him to go to Villupuram for each of the hearings and stay there.

5. Both the counsels could not come to a conclusion as to where the matter should be tried. Both the petitioner and respondent have expressed their difficulties in going to the Court, if it is in Thanjavur or in Villupuram. In the circumstances, this Court is of the opinion that the H.M.O.P. filed by the respondent/husband may be transferred to any of the Courts having jurisdiction in between Thanjavur and Villupuram. It is also stated that the wife has filed counter and it has to be proceeded for trial. Earlier, the matter was referred before the Mediation Centre, but it failed. Therefore, the parties need not be sent for Mediation again and only trial has to be commenced and completed. Hence, it would be appropriate to transfer the matter to Sub Court, Ariyalur, as it will be convenient for both the parties to travel atleast half the way.

6. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of by withdrawing H.M.O.P.No.156 of 2015, pending on the file of Principal Sub Court, Thanjavur and transferring the same to the file of Sub Court, Ariyalur. Once the papers are received, the Sub Court, Ariyalur is directed to dispose of H.M.O.P.No.156 of 2015 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Sub Judge,
Thanjavur.

2. The Sub Judge,
Ariyalur.

+1 CC to Mr.V.G.Anbarasu, Advocate sr 74567.

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GJ(CO)
SP(23/11/2017)