

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.707 of 2016 and C.M.P.No.18282 of 2016

S.Monisha @ Valarmathi

.. Petitioner

-Vs-

N.Suresh Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.44 of 2016 on the file of the Subordinate Court, Pollachi and transfer the same to the Subordinate Court, Dharmapuri.

For petitioner ... Mr.M.Raja Sekhar
For respondent ... Mr.S.Senthilkumar

O R D E R

This transfer petition is filed by the petitioner-wife seeking transfer of H.M.O.P.No.44 of 2016 from the file of the Sub Court, Pollachi to the file of the Sub Court, Dharmapuri.

2. H.M.O.P.No.44 of 2015 is filed by the respondent-husband before the Sub Court, Pollachi, for divorce under Section 13(1)(i-a) of the Hindu Marriage Act.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. It is stated that the petitioner was deserted by the respondent-husband on 18.03.2015. At present, she is living with her aged mother. It is the grievance of the petitioner that she has to travel 250 kms from Dharmapuri to Pollachi for each and every hearing of the case. Since the petitioner is dependent on her mother financially even to sustain her livelihood, she could not afford to meet the expenses to attend the hearings in Pollachi. Hence, she seeks transfer of the said case.

5. The learned counsel for the respondent/husband contended that his mother is aged and he has to take care of her.

6. Considering the fact that the parties are represented through their counsel in trial Courts, it will not be difficult for the respondent/husband to prosecute the case before the trial Court, moreover, the parties are required to appear only at the time of trial and the proceedings can be taken care of by their Advocates till that stage.

7. Considering the submissions made by both the parties and also taking note of the fact that in the matrimonial proceedings, the wife's convenience has to be given importance, the Transfer Petition is allowed and H.M.O.P.No.44 of 2016 pending on the file of the Subordinate Court, Pollachi shall stand withdrawn and transferred to the Subordinate Court, Dharmapuri. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge,
Pollachi .
2. The Subordinate Judge,
Dharmapuri.

+1cc to Mr.Raja Sekhar, Advocate, S.R.No.13343
+1cc to Mr.Senthil Kumar, Advocate, S.R.No.13295

RK(CO)
RS(21/03/2017)

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