



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**TR.CMP(MD) No.194 of 2017
and CMP(MD) No.4309 of 2017**

S.Subbiah

... Petitioner

Vs.

S.Gomathi

... Respondent

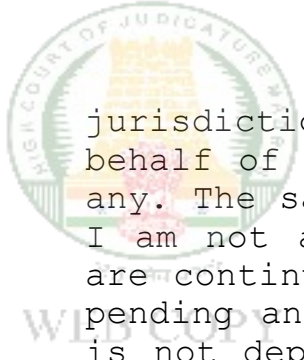
PRAYER: This petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.173 of 2016 on the file of the Sub Court, Devakottai and also to transfer the same to the Family Court, Madurai.

For Petitioner : Mr.RaguvaranGopalan

O R D E R

The petitioner is the husband and the respondent is the wife. They had been married on 01.07.1993. In the affidavit of the petitioner, it is seen that the age of the petitioner is 55 years. The respondent had initiated the proceedings in HMOP.No.173 of 2016 before the Sub Court, Devakottai, seeking to dissolve the marriage solemnized between the petitioner and the respondent.

2.The learned counsel stated that the petitioner is working as the Vice Chancellor of Alagappa University, Karaikudi in Sivagangai District. However, in the affidavit it is stated that the petitioner is working at Vice Chancellor Office, Alagappa University, Karaikudi, Sivagangai District. It is also stated that there is an elder son, who is unfortunately mentally challenged and now, he is in the custody of the respondent. The respondent is working as a Professor at Madurai. She deem it fit to file HMOP.No.173 of 2016 before the Sub Court, Devakottai. Among the reasons for seeking transfer, the petitioner claims that it would actually benefit the respondent and also claims that his reputation would be lowered if he appears before the Sub Court, Devakottai. So far as the first reason is concerned, the respondent should have considered her relative hardships before initiating the proceedings on the file of the Sub Court, Devakottai. The said Court is actually the Court which has



jurisdiction. It is not for the petitioner to express concern on behalf of the respondent and express her supposed difficulties if any. The said reason is rejected. With regard to the second reason I am not able to affected, if the very same divorce proceedings are continued in any Court. The fact is that divorce petition is pending and that should be the cause for concern and reputation is not dependent on the situs of the litigation or where it has been instituted.

3.I find no reasons to entertain the Transfer Civil Miscellaneous Petition. The reasons does not stand legal scrutiny. Hence, this petition is dismissed. No costs. Consequently, the connected M.P is also closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge,
Devakottai.
- 2.The Judge, Family Court,
Madurai.

+1cc to Mr.K.Prabhakar, Advocate in SR.No.58471

Ls/Ns
AE/MR/SAR3/23.06.2017/2P/4C

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