



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2017

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THE HONOURABLE **MR. JUSTICE S. BASKARAN**

TR.C.M.P (MD) .No.330 of 2017

and

C.M.P (MD) No.6987 of 2017

K.Kalpana ...Petitioner / Respondent
Vs.
Sivagurunathan ...Respondent / Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908, to withdraw the case in H.M.O.P.No.54 of 2016 on the file of the Sub Court, Palani, Dindigul District and transfer the same to the Sub Court, Karur, Karur District.

For Petitioner : Mr.G.Marimuthu

For Respondent : Mr.D.Venkatesh

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.54 of 2016 on the file of the Sub Court, Palani, Dindigul District to the Sub Court, Karur, Karur District, where she is residing for disposal.

2.The petitioner states that she got married to the respondent on 15.05.2002. Out of wedlock, a female child was born on 13.03.2003 and now she is studying in 10th standard in the Bharat Vidhya Bhavan, Palani. Due to misunderstanding, the petitioner and the respondent are living separately from February, 2016 onwards. The respondent has filed H.M.O.P.No.54 of 2016 on the file of the Sub-Court, Palani, Dindigul District seeking dissolution of the marriage.

3.The petitioner further states that she has filed a petition before Protection Officer, District Social Welfare Office, Karur District and the same is pending in D.V.No.08 of 2017. Accordingly, she is working as a Warden in the Girls Hostel, Karur and her father is 62 years old. Distance between Karur and Palani is more than 100 Kilometers and as such she finds it difficult to



travel to Palani for every hearing. Hence she seeks for the transfer of H.M.O.P.No.54 of 2016 to the Sub-Court, Karur, Karur District.

4. On the other hand, the respondent / husband states that he is now employed at Hossur and if he goes to Karur, it will cause inconvenience to him and hence he seeks dismissal of this petition.

5. Admittedly, the petitioner's daughter is studying in Palani, but she is unable to travel to Palani, due to the fact of her employment as warden in Girls Hostel Karur. The learned counsel for the petitioner also relied upon the ruling reported in **(2011) 5 MLJ 454** to contend that plea of the petitioner should be considered and the convenience of the petitioner / wife is to be given preference in such matter. Even though the petitioner's daughter is studying in Palani, the petitioner expressed her difficulty in travelling for each and every hearing to the Sub Court, Palani. Admittedly, the husband also is now working in Hossur, which is far away from Palani. So no prejudice will be caused if the petition is allowed and the H.M.O.P. is transferred to Karur for disposal of the petition. Relying upon the above said ruling and other circumstances, this Court is inclined to entertain this petition. Hence this petition is allowed as prayed for. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Palani, Dindigul District.
2. The Subordinate Judge,
Karur, Karur District.

+ 1 cc TO Mr.M.Jothi Basu , Advocate in SR No. 81599
+ 1 cc TO Mr.D.Venkatesh , Advocate in SR No. 81547

sm/gsp

AE/KK/SAR3/13.10.2017/2P/5C

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