



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P(MD).No.404 of 2017
and
C.M.P. (MD).No.8168 of 2017

Thirumani ... Petitioner/Respondent

vs.

Vembadiyan ... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.615 of 2017 on the file of the Subordinate Court, Thirumangalam, Madurai District and transfer the same to the file of the Subordinate Court, Pudukottai.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : No Appearance

ORDER

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.615 of 2017 from the file of the Subordinate Court, Thirumangalam, Madurai District to the file of the Subordinate Court, Pudukottai.

2.The petitioner/respondent states that she married the respondent on 22.08.2010 and after their marriage they lived together at Jegathapattinam. She gave birth to a male child named Dilip on 10.05.2011. The petitioner further states that she went to her parents' home for her delivery and after the birth of the child they were not able to contact the respondent over phone. Subsequently, she was residing along with the respondent and their child at Jegathapattinam. During 2012, the respondent went to abroad and stayed there till 2015. On return to India, the respondent did not go to any job and during April 2016, he informed the petitioner that he wants to go abroad again and asked to get Rs.50,000/- from her parents. After receiving the said sum, the respondent did not come back to Jegathapattinam for 8 months and a panchayat was held at Thirumangalam on December 2016. In spite of repeated request, the respondent failed to pick up the petitioner and the child to the matrimonial home. In such circumstances, the respondent herein filed H.M.O.P.No.615 of 2017 seeking dissolution of marriage and the same is pending before the Subordinate Court, Thirumangalam. The petitioner is now residing with her child at Jegathapattinam which is about 160 kilo meters away from



Thirumangalam. The petitioner has no means and depending upon her aged parents for her livelihood. The petitioner is unable to travel along with her boy child for each and every hearing. Hence the petitioner seeks transfer.

3. On the other hand, in spite of notice being served, the respondent has not chosen to appear before the Court either in person or through counsel.

4. In such circumstances, considering the reasons stated by the petitioner and the fact that the distance between her place of residence and Thirumangalam is nearly 160 kilo meters and she finds it difficult to travel with her child, this Court is inclined to entertain this petition.

5. In the result, this petition is allowed and H.M.O.P.No.615/2017 on the file of the Subordinate Court, Thirumangalam is transferred to the file of the Subordinate Court, Pudukkottai. Consequently, connected Civil Miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge, Thirumangalam.

2. The Subordinate Judge, Pudukkottai.

+One cc to Mr.T.Leninkumar, Advocate, SR.No.89125

TM

RL/4C/2P/SV/MMS/SAR1/21/12/2017

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