



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P (MD) .No.462 of 2017

and

C.M.P. (MD) .No.9027 of 2017

Kavitha

... Petitioner

vs.

S.Nageswaran

... Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.21 of 2017 filed by the respondent herein, before the Sub Court, Sivakasi and transferred to Sub-Court, Tuticorin.

For Petitioner : Mr.R.Rathinavel

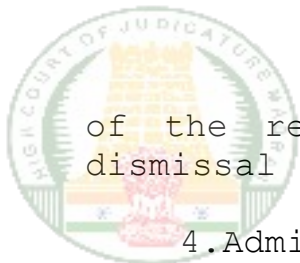
For Respondent : Mr.D.Dhana Chandra Prakash

ORDER

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.21/2017 on the file of the Subordinate Court, Sivakasi to the file of the Subordinate Court, Tuticorin.

2.The petitioner married the respondent on 03.03.2012 at Tuticorin and out of the wedlock, a girl child was born to them. Subsequently due to mis-understanding, the respondent herein filed H.M.O.P.No.21/2017 before the Subordinate Court, Sivakasi, seeking divorce on false ground. The petitioner states that now she is residing with her parents at Tuticorin and her uncle only appear on her behalf in H.M.O.P.No.21/2017 filed by the respondent/husband before the Subordinate Court, Sivakasi. The petitioner contends that she is having no income on her own and depending on her parents with whom she is residing in Tuticorin. Since the distance from Tuticorin to Sivakasi is more than 100 kilo meters the petitioner finds it difficult to travel. Hence she seeks transfer of the above said case.

3.On the other hand, opposing the petition, the respondent contends that the petitioner has voluntarily left the matrimonial home and he has filed the H.M.O.P for divorce on valid ground. Further, the respondent contends that the petitioner is not residing in Tuticorin, but only at Madurai along with the parents



of the respondent/husband herein. Hence the respondent seeks dismissal of the petition.

4. Admittedly the petitioner and the respondent are living separately. It is contended by the petitioner that she is not having any source of income to travel to Sivakasi for each and every hearing. However, during the argument, both the counsels have agreed to have the matter in any place other than Tuticorin. Considering the same, this court is inclined to entertain this petition by transferring the H.M.O.P from the Subordinate Court, Sivakasi to the Subordinate Court, Kovilpatti. Point is answered accordingly.

5. In the result, this petition is allowed and H.M.O.P.No.21/2017, pending on the file of the Subordinate Court, Sivakasi is transferred to the file of the Subordinate Court, Kovilpatti. The Subordinate Judge, Kovilpatti, is directed to expedite the trial and dispose of H.M.O.P.No.21/2017 preferably within a period of 6 months from the date of the receipt of the case bundle from the concerned Court. Consequently, connected Civil Miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

TM

To

1. The Subordinate Judge, Sivakasi.

2. The Subordinate Judge, Kovilpatti.

+1cc to Mr.S.Senthil Sankara Nathakumar, Advocate in SR.No.88453

GJM/GT/SAR-2-5.1.18-2P-5C

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