



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.493 of 2017

and

C.M.P. (MD) .No.9863 of 2017

S.Rethinam ... Petitioner/Respondent

vs.

S.Suresh ... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.140 of 2017 before the Subordinate Court, Kancheepuram and transfer the same to Subordinate Court, Devakottai.

For Petitioner : Mr.J.Anandkumar

For Respondent : No Appearance

ORDER

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.140 of 2017 from the file of the Subordinate Court, Kancheepuram to the file of the Subordinate Court, Devakottai.

2.The petitioner states that she has married the respondent on 19.03.2008 and out of the wedlock they gave birth to two children. After their marriage, the respondent and his parents treated her cruelly. The petitioner was forced out of the matrimonial home and now, she is living with her parents. While so, the respondent herein filed H.M.O.P.No.140/2017 before the Subordinate Court, Kancheepuram and the same is pending. The petitioner is now residing in Pallathur village near Karaikudi with her two daughters. She is unemployed and depends upon her parents for her livelihood. She finds it difficult to travel to Kancheepuram which is nearly 800 kilo meters away. Hence she seeks transfer as stated above.

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



4. In such circumstances, considering the reasons stated by the petitioner and the fact that the petitioner is unemployed and having no source of income and also the fact that the distance she has to travel for each and every hearing which is nearly 800 kilometers, this Court is inclined to entertain this petition.

5. In the result, this petition is allowed and H.M.O.P.No.140/2017, pending on the file of the Subordinate Court, Kancheepuram is directed to be transferred to the file of the Subordinate Court, Devakottai. The Transferee Court is directed to dispose of H.M.O.P.No.140/2017, as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

TM

To

1. The Subordinate Judge, Kancheepuram.

2. The Subordinate Judge, Devakottai.

+1cc to MR.J.ANANDKUMAR, Advocate in SR.No.89182

GJM/GT/SAR-2-5.1.18-2P-4C

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