



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P (MD) .No.509 of 2017

and

C.M.P. (MD) .No.10697 of 2017

S.Ajantha

... Petitioner/Respondent

vs.

Sakthivel

... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.72 of 2017 on the file of the Sub-Court, Mannarkudi and transfer the same to the Sub-Court, Kumbakonam.

For Petitioner : Mr.R.Vijayakumar

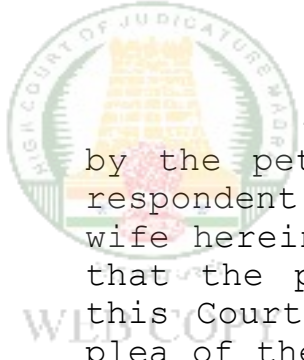
For Respondent : No Appearance

ORDER

The petitioner has come forward with this petition seeking to withdraw the case in H.M.O.P.No.72 of 2017 from the file of the Sub-Court, Mannarkudi and transfer the same to the Sub-Court, Kumbakonam.

2.The petitioner/wife married the respondent on 06.12.2015 at Kumbakonam, Thanjavur District and in their matrimonial life, misunderstandings arose between them and due to the attitude of the respondent, the petitioner was forced out of the matrimonial home and she is living with her parents in Kumbakonam. While so, the respondent herein filed H.M.O.P.No.72 of 2017 on the file of the Sub-Court, Mannarkudi seeking divorce on the ground that the petitioner and her parents suppressed the fact relating to her viz., kidney problem. The petitioner states that she is unemployed and depending on her parents further she finds it difficult to travel from Kumbakonam to Mannarkudi. Hence she seeks transfer of the above said case.

3.In spite of notice being served on the respondent, the respondent appeared in person nor through counsel.



4. In such circumstances, considering the reasons stated by the petitioner and the fact that the allegation made by the respondent in H.M.O.P.No.72 of 2017, stating that the petitioner's wife herein is suffering from failure of both kidneys and the fact that the petitioner is unemployed and depending on her parents, this Court is of the view that it would be appropriate to accept plea of the petitioner, in view of the reasons stated above.

5. In the result, this petition is allowed and H.M.O.P.No.72 of 2017 is ordered to be withdrawn from the file of the Sub-Court, Mannarkudi and transferred to the file of the Sub-Court, Kumbakonam. The Sub-Court, Kumbakonam, is directed to dispose of H.M.O.P.No.72 of 2017 as early as possible, as soon as receipt of records from the concerned Court. Consequently, connected Civil Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Mannarkudi

2. The Subordinate Judge, Kumbakonam.

+1CC to Mr. R. Vijayakumar, Advocate, SR.No. 92003

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