



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

TR.CMP(MD)No.302 of 2016 & C.M.P(MD)No.5539 of 2016

V.Mani Bharathi

... Petitioner

Vs.

Raja

...Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the case in H.M.O.P.No.94 of 2016 from the file of the Sub-Court, Theni and to transfer the same to the file of the Sub-Court, Palani to be tried along with H.M.O.P.No.58 of 2016 and pass further order orders as this Court may deem fit and proper.

For Petitioner

:Mr.D.Venkatesh

For Respondent

:Mr.B.Rajesh Saravanan

For Mediator

:Mr.Muthal Raj

* * * * *

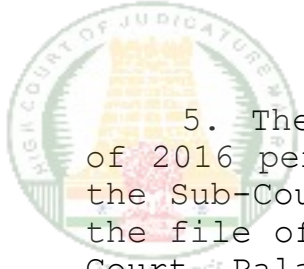
JUDGMENT

The wife has come before this Court seeking transfer of H.M.O.P.No.94 of 2016 filed by the respondent/husband seeking divorce on the file of Sub-Court, Theni to the file of the Sub-Court, Palani as the petitioner/wife is residing in Palani.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent and perused the materials available on records.

3. Considering the young age of the spouses, this Court directed them to appear before this Court and they were present before this Court and Mr.Muthal Raj, learned Counsel practising for a long time before this Court was requested to mediate the couple.

4. It is a well settled law that the place of residence of the wife would be appropriate for trying the matrimonial issue. Since she has to travel 80 Kms, every time to appear before the Family Court, Theni, it may not be possible for a lady to travel from her native place to Theni.



5. Therefore, it is appropriate to transfer the H.M.O.P.No.94 of 2016 pending on the file of the Sub-Court, Theni to the file of the Sub-Court, Palani. Accordingly, H.M.O.P.No.94 of 2016 pending on the file of the Sub-Court, Theni, is transferred to the file of Sub-Court, Palani, to be tried along with H.M.O.P.No.58 of 2016.

6. With the above direction, this petition is ordered. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Judge,
Theni.

2.The Sub Judge,
Palani.

+1 cc to Mr. D. VENKATESH, ADVOCATE, SR NO.10748

gsr

MAS/CM-MSA:08.03.2017:2P/4C

Tr.C.M.P (MD) .No.302 of 2016
24.02.2017