



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

Coram:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P. (MD) .No.560 of 2016
and C.M.P. (MD) No.11926 of 2016

M.Tamilselvi

.. Petitioner/Petitioner

Vs.

A.Marimuthu

.. Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.142 of 2012 on the file of the Subordinate Court, Kovilpatti and transfer same to Sub Court, Aruppukottai.

For Petitioner : Mr.R.Saravanan

For Respondent : Mr.V.Kasi Pandian

O R D E R

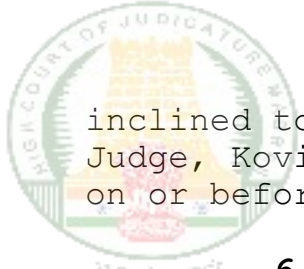
This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.142 of 2012 from the file of the Subordinate Court, Kovilpatti to the file of the Sub Court, Aruppukottai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The wife has come before this Court seeking to transfer the divorce petition filed by the respondent/husband from the file of the Subordinate Court, Kovilpatti to the file of the Sub Court, Aruppukottai on the ground that she is residing in Aruppukottai along with her family members.

4. It is seen that the respondent and the petitioner got married on 08.12.2008 and thereafter they are living separately from January 2012 onwards. Therefore, the respondent filed a divorce petition under Section 13(I-a) of Hindu Marriage Act, 1955, on the file of the Sub Court, Kovilpatti and the same is sought to be transferred to the file of the Subordinate Court, Aruppukottai.

5. It is brought to the notice of this court that husband's side evidence has already been over and the same has been closed and the case is posted for the wife's side evidence. When such is the present stage of the case, it is not appropriate to transfer the said case to the file of another court. Therefore, this Court is not



inclined to transfer the case. However, the learned Subordinate Judge, Kovilpatti, is directed to dispose of H.M.O.P.No.142 of 2012 on or before 30.04.2017.

6. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected C.M.P. (MD) No.11926 of 2016 is closed.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To,
The Subordinate Court, Kovilpatti.

+1 cc to Mr. R.SARAVANAN, Advocate, Sr.No:2357
+1 cc to Mr. U.KASI PANDIAN, Advocate, Sr.No: 2247

CM
MAS/MSM-JM:31.01.2017:2P/4C

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