

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.470 of 2017
and C.M.P.No.9700 of 2017

Nithyakala

... Petitioner

Vs.

J.Saravanan

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.58 of 2015 pending on the file of the Subordinate Court, Hosur and transfer the same to the file of the Subordinate Court, Tambaram.

For Petitioner : Mr.P.Ayyamperumal
For Respondent : Mr.N.Anand

O R D E R

This petition is filed to withdraw H.M.O.P.No.58 of 2015 pending on the file of the Subordinate Court, Hosur and transfer the same to the file of the Subordinate Court, Tambaram.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 26.04.2004 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living together in the matrimonial home in Bangalore. In the wedlock, a female child was born on 30.08.2005. They shifted their residence to Hosur and are living with the parents of the respondent. Thereafter, the respondent and his parents had committed cruelty and thrown the petitioner from the matrimonial home and the respondent filed H.M.O.P.No.58 of 2015 on the file of the Subordinate Court, Hosur, for divorce against the petitioner making false allegations.

3.According to the petitioner, she is residing at Madipakkam in Chennai. The distance between Chennai and Hosur is more than 300 kilometers and hence, it is very difficult for her to travel such a long distance to attend the Court proceedings at Hosur. Further, she has to stay in a hotel for each and every hearing

and it will cost Rs.2,000/-. The petitioner made various allegations against the respondent and made averements on merits. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.58 of 2015 pending on the file of the Subordinate Court, Hosur, to the file of the Subordinate Court, Tambaram.

4.The respondent filed counter and denied all the allegations made against him on merits and contended that the trial commenced in H.M.O.P.No.58 of 2015. The respondent himself examined as P.W.1 and examined two other witnesses as P.W.2 and P.W.3 and closed his side on 21.10.2016. The petitioner filed proof affidavit and she was partly cross-examined and subsequently, she did not appear for further cross-examination. The petitioner suppressing the above facts filed the present transfer petition only to drag on the proceedings and hence, he prayed for dismissal of the transfer petition.

5.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6.From the materials available on record, it is seen that the trial commenced in H.M.O.P.No.58 of 2015 and it is in the final stage. The H.M.O.P. is posted for further cross-examination of the petitioner. The petitioner has suppressed these facts and has come out with the present Tr.C.M.P. In view of the fact that the H.M.O.P. is posted for further cross-examination of the petitioner, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

The Subordinate Judge, Hosur.

+1 CC to Mr.P. Ayyamperumal, Advocate sr 29465.

+1 CC to Mr.C. Prabakaran, Advocate sr 30117

Tr.C.M.P. No.470 of 2017
and C.M.P.No.9700 of 2017

SP(16/05/2018)