

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:06.03.2018

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.601 of 2017
and
C.M.P.No.12508 of 2017

G.Vigneshwari .. Petitioner

-Vs.-

G.Krishnakumar .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the H.M.O.P.No.530 of 2016 from the Sub Court, Tambaram to the Principal Sub Court, Nagapattinam.

For petitioner Mr.P.Vasanth

For Respondent Mr.J.R.K.Bhavanantham

O R D E R

This transfer petition is filed by the wife in a matrimonial dispute seeking transfer of H.M.O.P.No.530 of 2016 filed by the husband on the file of the Subordinate Court, Tambaram to the Principal Sub Court, Nagapattinam.

2. The respondent-husband has filed a petition in H.M.O.P.No.530 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act on the file of the Subordinate Court, Tambaram for dissolution of marriage.

3. In paragraph 4 of the affidavit, it is stated by the petitioner-wife that she is residing in Nagapattinam with her parents and she has no independent source of income. It would be very difficult for her to travel alone all the way from Nagapattinam to Tambaram. Further, her parents are aged and they could not accompany the petitioner. Since the petitioner is dependent on her parents financially, she could not afford expenses to attend the hearings in Chennai. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. Learned counsel for the respondent seriously opposed to transfer the O.P from Chennai to Nagapattinam. It is contended by the learned counsel for the respondent-husband that the respondent-husband has got serious apprehension that the relatives of the petitioner-wife would over-power him, if he visits Nagapattinam. However, it is suggested that he would be agreeable, if the said H.O.P is transferred to any other Court convenient to both the parties.

6. It is agreed by both the learned counsel for the petitioner-wife and the learned counsel for the respondent-husband that the said H.M.O.P may be transferred to Sub Court, Thanjavur, which would be suitable for both the parties.

7. As both the learned counsels have agreed for transfer of the said H.M.O.P to Sub Court, Thanjavur, this Court is inclined to transfer the said H.M.O.P from the Sub Court, Tambaram to Sub Court, Thanjavur.

8. Accordingly, the transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.530 of 2016 pending on the file of the Sub Court, Tambaram is withdrawn and transferred to the file of the Sub Court, Thanjavur. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Tambaram

2. The Subordinate Judge, Thanjavur

+1cc to Mr.P.Vasanth, Advocate Sr.No.16984

+1cc to Mr.J.R.K.Bhavanantham, Advocate Sr.No.17542

sm:4.4.2018

Tr.C.M.P.No.601 of 2017
and
C.M.P.No.12508 of 2017