

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.964 of 2017
and C.M.P.No.19329 of 2017

J.Ramesh

... Petitioner

Vs.

Visahalakshmi

.... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.83 of 2017 pending on the file of Sub Court, Virudhunagar and transfer the same to the file of Sub Court, Thiruchengode.

For Petitioner : Mr.M.Erajasimhan
for Mr.S.Selvathirumurugan

For Respondent : Mr.Radha Pandian

O R D E R

This petition is filed to withdraw H.M.O.P.No.83 of 2017 pending on the file of Sub Court, Virudhunagar and transfer the same to the file of Sub Court, Thiruchengode.

2.The petitioner is the husband and respondent is the Wife. The marriage between the petitioner and respondent was conducted on 19.12.2012 as per Hindu Rites and Customs. In the wedlock, a male child was born. The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.83 of 2017 filed by the respondent before the Sub Court at Virudhunagar to Sub Court, Thiruchengode on the ground that he met with an accident and suffered fracture in the right hand and right foot and Doctors advised him to take complete rest.

3.The learned counsel for the respondent submitted that the respondent is working as a Health Inspector in Virudhunagar Municipality and residing at Virudhunagar along with her minor child. The petitioner has filed G.W.O.P.No.19 of 2018 for custody of the child and the same is pending before the

Principal District Court, Sriviliputhur, Virudhunagar District. The respondent has also lodged a complaint in D.V.No.1 of 2018 against the petitioner/husband before the Judicial Magistrate-I, Virudhunagar and the same is pending. In both the cases, the petitioner is regularly appearing and the reason given by the petitioner for transfer of H.M.O.P.No.83 of 2017 to the file of the Sub Court, Thiruchengode is not a valid reason and prayed for dismissal of the above Transfer Civil Miscellaneous Petition.

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

5.Considering the above facts, the Transfer Civil Miscellaneous Petition is dismissed as the petitioner has not made out any case for transfer. No costs. Consequently, connected Miscellaneous Petition is closed. The learned Subordinate Judge, Virudhunagar is directed to dispose of H.M.O.P.No.83 of 2017 as expeditiously as possible, in any event, not later than eight (8) months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa

To

The Subordinate Judge, सत्यमेव जयते
Virudhunagar.

+lcc to Mr.R.Radha Pandian, Advocate Sr.49692

+lcc to M/S.S.Selvathirumurugan, Advocate Sr.50097

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srg 03/09/2018