

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.03.2018
CORAM :
THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA
Tr.C.M.P. No.996 of 2017
and C.M.P.No.20161 of 2017

P. Jayappanchali

... Petitioner

versus

C. Ramalingam

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer the H.M.O.P.No.26 of 2017 on the file of the Court of the Subordinate Judge of Panruti, Cuddalore District to the file of the Subordinate Judge at Devakottai, Sivagangai District for trial.

For Petitioner : Mr.V.Janarthanan

For Respondent : Mr.K.Prakash

O R D E R

The transfer petition is filed by the petitioner/wife in the matrimonial dispute seeking to withdraw H.M.O.P.No.26 of 2017 filed by the respondent/husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Panruti and transfer the same to the file of Subordinate Court, Devakottai.

2. It is stated in the affidavit filed in support of the petition that the distance between Panruti and Devakottai is nearly 400 kms. It would be difficult for her to leave the school going child and attend the hearing at Panruti. It is also stated that she is very poor and cannot afford the expenses for the travel, as she is only a daily wager. Hence, the petitioner sought for the transfer.

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

4. Considering the convenience of the wife and also taking into account Section 19(iii-a) of the Hindu Marriage Act, which gives privilege for the wife to file a petition, where she resides, this Court feels it appropriate to transfer

H.M.O.P.No.26 of 2017 from the file of Subordinate Court, Panruti to the file of Subordinate Court, Devakottai.

5. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.26 of 2017, pending on the file of Subordinate Court, Panruti, Cuddalore District is transferred to the file of Subordinate Court, Devakottai, Sivagangai District. The appearance of the respondent/husband is dispensed with till the commencement of the trial. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Panruti, Cuddalore District.
2. The Subordinate Judge,
Devakottai, Sivagangai District.

+1 cc to mr.K.Prakash Advocate sr 18069
+1 cc to Mr.V.Janarthanan Advocate sr 17999

Tr.C.M.P. No.996 of 2017
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