

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.44 of 2018
and
CMP.No.1162 of 2018

N.Dhivya

...

Petitioner

Versus

R.Ramkumar

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw I.A.No.653 of 2017 along with unnumbered H.M.O.P from the file of learned Principal Sub Court, Tiruppur and to transfer the same to the Sub Court, Bhavani.

For Petitioner : Mr.N.Manokaran

For Respondent : No appearance

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O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking to withdraw I.A.No.653 of 2017 along with

unnumbered H.M.O.P... of 2017 on the file of learned Principal Sub Court, Tiruppur and transfer the same to the Subordinate Court, Bhavani.

2. In the affidavit filed in support of this petition, it is stated that the I.A.No.653 of 2017 has been filed by the respondent/husband under Section 14 of the Hindu marriage Act for exemption of time. It is further stated that the petitioner is living in Bhavani, Erode District and the H.M.O.P.is filed by the husband before the Sub Court, Tiruppur for divorce. It is her grievance that she has to travel to Tiruppur for the purpose of hearing of Interlocutory Application. As it would be difficult for her to travel, she is seeking for transfer of I.A.No.653 of 2017 along with unnumbered H.M.O.P... of 2017 from the file of learned Principal Sub Court, Tiruppur and transfer the same to the Subordinate Court, Bhavani .

3. It is seen that the H.M.O.P is not yet numbered and taken on file and only the Interlocutory Application is pending. In the affidavit filed in support of this petition it is stated that the marriage between the petitioner and the respondent was solemnized on 09.12.2016 and as of

now the period of one year is also completed. Even otherwise, the H.M.O.P is filed before the learned Principal Sub Court, Tiruppur where the appearance of parties is not mandatory, the difficulty of the petitioner is that the petitioner has to go to the Sub Court only for the purpose of hearing. Therefore, her personal appearance is dispensed with and it is open to her to engage a counsel and proceed with the matter.

4. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. However, it is open to the petitioner to file the petition for transfer once the H.M.O.P is taken on file. No costs. Consequently, connected Miscellaneous Petition is closed.

24.01.2018

arr/rka

Index : Yes/No

Internet : Yes/No

To

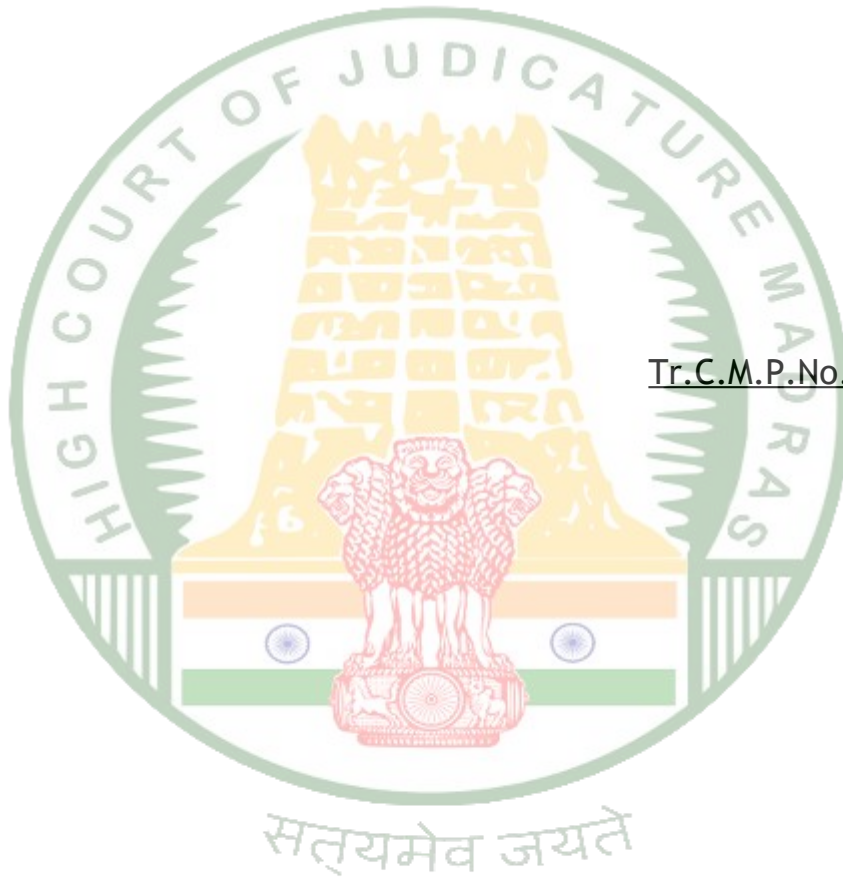
1. The Principal Sub Court, Tiruppur.

2. The Principal Subordinate Court, Bhavani.

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PUSHPA SATHYANARAYANA,J

arr



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