

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.811 of 2016

and C.M.P.No.20335 of 2016

Ravi Balakrishnan

... Petitioner

Vs.

Tamilarasi

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.67 of 2008 pending on the file of the Principal Subordinate Court, Trichy and transfer the same to the file of the Principal Subordinate Court, Mettur, Salem.

For Petitioner : M/s.Anna Shobana Premila
for Mr.T.Dhanasekaran

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.67 of 2008 pending on the file of the Principal Subordinate Court, Trichy and transfer the same to the file of the Principal Subordinate Court, Mettur, Salem.

2.Heard the learned counsel for the petitioner and perused the materials available on record. Though notice has been served on the respondent and her name is printed in the cause list, there is no representation for her either in person or through counsel.

3.The petitioner originally filed H.M.O.P.No.67 of 2008 on the file of the Subordinate Court, Mettur against the respondent for divorce. The respondent filed Transfer C.M.P.(MD).No.345 of 2012 before the Madurai Bench of this Court for transferring the said H.M.O.P.No.67 of 2008 to the Principal Subordinate Court, Trichy on the ground that she is residing at Trichy and she is suffering from joint pain and it is very difficult for her to

travel from Trichy to Madurai. By the order dated 27.03.2013, the Madurai Bench of this Court transferred H.M.O.P.No.67 of 2008 to the file of the Principal Subordinate Court, Trichy.

4.Now the petitioner has come out with the present Transfer Civil Miscellaneous Petition, stating that both the petitioner and respondent are residing only at Salem. Only to harass the petitioner, the respondent filed Tr.C.M.P.(MD)No.345 of 2012 before the Madurai Bench of this Court and got transferred the H.M.O.P.No.67 of 2008 to the Principal Subordinate Court, Trichy. To substantiate his contention, the learned counsel for the petitioner referred to the Execution Petition filed by the respondent wherein she has given her address at Salem.

5.A reading of the said address given in the E.P filed by the respondent reveals that the said contention of the learned counsel for the petitioner is not correct. The respondent has given address at Salem but has stated the address for service of Advocates at Trichy. This shows that she has engaged Advocates only at Trichy where she is residing. The petitioner has not produced any document to show that respondent, even after transferring, is residing only at Salem.

6.In view of the above facts, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gsa

To
The Principal Subordinate Judge,
Trichy.

+1cc to Mr.T.DHANASEKARAN, Advocate, S.R.No. 27993

Tr.C.M.P. No.811 of 2016
and C.M.P.No.20335 of 2016

GP(CO)
TR(07/05/2018)