



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2018

CORAM:

THE HONOURABLE MRS. JUSTICE NISHA BANU

TR CMP. (MD) No. 552 of 2017

and

CMP (MD) No. 12076 of 2017

K. Alagarsami @ Jeyachandran

... Petitioner

Vs.

J. Sumathi @ Thamayanathi

... Respondent

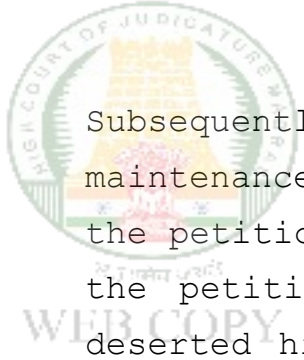
PRAYER: Petition is filed under Section 24 of the Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.83 of 2015 pending enquiry on the file of the learned Sub Court, Thoothukudi to the file of any other competent District Court, Coimbatore.

For Petitioner : Mr. V. Rajivkrishnan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking a direction to withdraw and to transfer the H.M.O.P.No.83 of 2015, from Sub Court, Thoothukudi to any other competent District Courts in Coimbatore.

2. According to the petitioner, the marriage between him and the respondent was solemnized on 21.06.1991 at Savarimangalam, as per the Hindu rites and customs and they have two children. According to him, they lived together only upto February, 1995 and the respondent, refused to live with him and left the matrimonial home. Thereafter, the respondent had filed O.S.No.470 of 1995 seeking maintenance and the same was allowed and the petitioner was directed to pay a sum of Rs.850/-, towards maintenance.



Subsequently, she filed M.P.No.35 of 2011, seeking further maintenance and on 17.08.2012, it was decided among the parties that the petitioner shall pay a sum of Rs.7,000/- towards maintenance and the petition is said to be still pending. Since, the respondent deserted him for the past 21 years, without any valid reason, the petitioner, having left the hope that the respondent would live with him again, has filed a petition in H.M.O.P.No.83 of 2015 before the learned Subordinate Judge, Thoothukudi, seeking dissolution of marriage on the grounds of desertion. In the meanwhile, the petitioner got transferred to Coimbatore and he finds it difficult to go to Thoothukudi for every hearing, which, according to him, causes great hardship for performing his official duty. In order to get along with the proceedings, without causing any hindrance to his official duty, he is before this Court, seeking a direction for transferring the said HMOP from Thoothukudi to Coimbatore.

3. When the matter is taken up for hearing today, the learned Counsel for the petitioner would submit that the petitioner is not inclined to press the prayer, sought for in the present petition, but, instead, seeks a direction for early disposal of the HMOP proceedings, for which, there shall not be any serious objections on the other side.

4. Heard the learned Counsel appearing for the petitioner and perused the documents placed on record. Since, the petitioner himself confines his prayer for speedy disposal of the H.M.O.P. proceedings, notice to the respondent is dispensed with.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the case, directs the learned Subordinate Judge, Thoothukudi, to dispose of the proceedings in H.M.O.P.No.83 of 2015, in the manner known to law, within a period of six months from the date of receipt of a copy of this order.



6. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Sub Court,
Thoothukudi.

+1cc to M/S.V.RAJIV RUFUS, Advocate SR.No.40002.

TR CMP.(MD)No.552 of 2017
02.01.2018

gk
SDS/GT/SAR 4/29.01.2018/3P/3C