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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR CMP (MD)No.548 of 2017

and

CMP(MD)Nos.7772 of 2018 & 11990 of 2017

Illaveiyini

... Petitioner/Respondent

Vs.

P.Balasubramanian

... Respondent/ Petitioner

Prayer : This Civil Revision Petition is filed under Section 24 of CPC, to withdraw the case in HMOP No.77 of 2016 on the file of the Principal Subordinate Judge, Chengalpattu, transfer the same to Sub court, Virudhunagar.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.A.Murugangantham

O R D E R

The petitioner got married to the respondent on 10.09.2010 as per Hindu Rites and Customs. The marital relationship between the parties appears to have come under strain. Therefore, the respondent herein filed HMOP No.77 of 2016 before the Principal Sub Court, Chengalpattu. To get the same transferred to Virudhunagar, this Transfer Civil Miscellaneous Petition has been filed by the wife.

2.Heard the learned counsel on either side.

3.The learned counsel for the respondent strongly opposed the prayer for transfer. He would contend that the petitioner is very much residing at Chennai and that the respondent obtained information through R.T.I that the petitioner is not residing at Virudhunagar. He made a submission that the petitioner was originally working at Chennai.

4.The learned counsel for the petitioner submits that there are two children born through the marriage and that both the kids are presently studying in a school at Virudhunagar. This submission is taken on record. If this statement turns out to be incorrect, the respondent is at liberty to file an appropriate petition before this Court for recall of this order. Since the petitioner is a woman and she has to take care of the two children and she is not employed, it would be difficult for the petitioner to attend the hearings at Chengalpattu.



5. Taking note of all these aspects, HMOP.No.77 of 2016 is withdrawn from the Principal Sub Court, Chengalpattu and transferred to Sub Court, Virudhunagar. The learned Sub Judge, Virudhunagar shall dispose of the HMOP speedily and in accordance with law.

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6. The learned counsel for the respondent submits that the respondent is a medical professional. He is based in Kalpakkam. Since the matter is being transferred to Sub Court, Virudhunagar, his personal appearance is not really required. He needs to attend only on those occasions when he wants to adduce evidence. Therefore, no hardship will be caused to the respondent. It is true that the respondent instituted his petition only at Chengalpattu. But then, difficulties of the petitioner and the respondent cannot be weighed on the same scale.

7. This Court directs the Sub Judge, Virudhunagar to permit the respondent to be represented through his counsel. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Principal Sub Judge, Chengalpattu.

2. The Principal Sub Judge, Virudhunagar.

+1cc to Mr.A.Murugangantham, Advocate Sr.No.79196

SKM

VB/RP/SAR2/05.09.2018/2P/4C

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