



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) .No.307 of 2018 and
C.M.P. (MD) No.7633 of 2018

Arthi ... Petitioner/Respondent-Wife

Vs.

R.Selvam @ Manivannan ... Respondent/Petitioner-Husband

PRAYER : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case on the file of the Principal Sub Court, Cuddalore, in H.M.O.P.No.95 of 2016 and transfer the same to the learned Principal Subordinate Judge, Thanjavur.

For Petitioner : Mr.S.Rajaprabu,
for Mr.M.Karunanithi
For Respondent : No appearance.

O R D E R

The petitioner herein is the respondent in H.M.O.P.No.95 of 2016 on the file of the Principal Subordinate Court, Cuddalore. The respondent herein has filed the said H.M.O.P., for dissolving the marriage with the petitioner herein which was solemnized on 31.08.2014.

2. The petitioner herein seeks transfer of the said H.M.O.P., from Cuddalore to Thanjavur. Normally, this court would allow such applications, when filed by the wife. But then, in this case, the petitioner has not come to the Court immediately. The said H.M.O.P., was filed way back in the year 2016. This Transfer Civil Miscellaneous petition has been filed in August, 2018. That apart, trial has already commenced in the said H.M.O.P. Therefore, instead of transferring the said H.M.O.P., a direction can be given to the learned Principal Subordinate Judge, Cuddalore, to dispose of H.M.O.P.No.95 of 2016 within a period of four months from the date of receipt of a copy of this order.

3. The learned counsel appearing for the petitioner submits that since the petitioner is having an young child to take care, it is very difficult for her to go over to Cuddalore from



Thanjavur.

4. Since the said H.M.O.P., is pending before the Subordinate Court, Cuddalore, there is no need for the petitioner to be personally present on every occasion. She has to be present only when she is examined and cross examined. On all other occasions, the petitioner can be represented through her counsel. That apart, her further grievance is that the respondent has not honoured the maintenance order. No order has been passed on the application for grant of interim maintenance.

5. The learned Principal Subordinate Judge, Cuddalore, is directed to dispose of the application for interim maintenance filed by the petitioner herein, before proceeding further in the matter. The respondent will have to pay the litigation expenses to the petitioner herein. If these directions are not complied with by the respondent, the Court below can even adjourn the proceedings *sine die*, till the orders are complied with.

6. With these observations, the Transfer Civil Miscellaneous petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1. The Principal Subordinate Judge,
Cuddalore.

+1 CC To MR.M.KARUNANITHI, Advocate SR. NO. 85760

TR.C.M.P. (MD) .No.307 of 2018 and
C.M.P. (MD) No.7633 of 2018

19.09.2018

PMU

TR/SV/SAR-I (24.09.2018) 2P 3C