



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

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THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.477 of 2018
and
C.M.P.(MD)No.10980 of 2018

M.Muthulakshmi

... Petitioner

-vs-

M.Dhendapani

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.44 of 2018 pending on the file of the learned Subordinate Court, Veda sandhur, Dindigul District and transfer to the learned Subordinate Court, Udumalaipet, Thiruppur District for disposal of the same in accordance with law.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.D.Balamurugapandi

O R D E R

The petitioner is the wife. The respondent is the husband. The respondent has levied a divorce case against the petitioner in H.M.O.P.No.44 of 2018 and the same is pending on the file of the Subordinate Court, Veda sandhur, Dindigul District. Seeking transfer of the above said proceeding to Udumalaipet Court, Thiruppur District, the petitioner has come forward with the transfer petition on the footing that she is depending upon her aged parents and also has to look after her young child and therefore she is unable to attend the proceeding at Veda sandhur Court and accordingly prayed for transfer.

2. It is contended by the respondent's Counsel that the respondent is working as a driver at Palani and further it is represented that the petitioner is working at a jewelry shop and therefore contended that the transfer request is not bonafide and prayed for dismissal of the transfer petition. Further he submitted that in the event of this Court inclining to accede to the transfer request put forth by the petitioner, he prayed for the transfer of



the proceeding to any other Court preferably to the Subordinate Court, Palani and considering the distance between the petitioner's residence and the Palani Court being on the lesser side, the petitioner would not face any serious prejudice and hardship in attending the proceeding at Palani Court.

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3. Considering the fact that the petitioner is an employed woman and also the fact that the respondent is working as a driver at Palani, in all it is seen that the ends of justice would be met by transferring the proceeding to the Subordinate Court, Palani for disposal. By way of same, it is seen that no prejudice would be caused to either of the parties. In such circumstances, the proceeding in H.M.O.P.No.44 of 2018 is withdrawn from the file of the Subordinate Court, Vendasandhur, Dindigul District and transferred the same to the file of the Subordinate Court, Palani for disposal as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (ADMN-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To:

1.The Subordinate Court, Vendasandhur, Dindigul District.

2.The Subordinate Court, Palani.

+1cc to Mr.S.Karthik Advocate in SR.No.97202

+1cc to Mr.D.Balamurugapandi Advocate in SR.No.97438

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