

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.64 of 2019
and
C.M.P.Nos.2608 and 2609 of 2019

Chithradevi ... Petitioner

Vs.

Venkatachalapathy ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.45 of 2017 pending on the file of the Hon'ble Sub Judge, Dindugul and transfer the same to any other competent Court in Erode.

For Petitioner : Mr.K.Sathish

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.45 of 2017 on the file of Sub Judge, Dindugul to the file of any other competent Court in Erode.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a petition for divorce in H.M.O.P.No.45 of 2017 before the Principal Sub-Ordinate Court, Dindugul. The petitioner/wife is the resident of Erode. She finds it difficult to travel from Erode to Dindugul to attend the hearing. Therefore, she seeks transfer of the divorce petition filed by the husband.

3. This Court ordered notice on 21.02.2019, the respondent has avoided to receive the same and it was returned with an endorsement 'Unclaimed'.

4. The petitioner/wife states that she has a minor daughter aged about 9 years and minor son aged about 4 years. The

petition for maintenance in M.C.No.75 of 2017 filed by her is pending before the Family Court, Erode. The respondent/husband defends the case at Erode. Therefore, it will be appropriate to transfer the case filed by the husband to be tried along with the maintenance petition.

5. Considering the convenience of the parties and physical hardship caused to the petitioner/wife and her children, this Court is inclined to transfer the case from Sub Court, Dindugal to Family Court, Erode. Accordingly, H.M.O.P.No.45 of 2017 pending on the file of Sub-ordinate Court, Dindugal is withdrawn and transferred to the file of Family Court, Erode to be tried along with M.C.No.75 of 2017 pending on the file of the same Court.

6. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Sub-ordinate Judge,
Dindugal.

2.The Judge,
Family Court,
Erode.

+lcc to Mr.K.Sathish, Advocate sr.31396

TR C.M.P. No.64 of 2019
and
C.M.P.Nos.2608 and 2609 of 2019

gj-ii(co)
nr 28/06/2019