

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.167 OF 2019
AND CMP NO.5226 OF 2019

Kavinilavu

... Petitioner

Vs.

P.Subramaniam

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP No.168 of 2018 from the file of Subordinate Judge, Paramathi and to transfer the same to the file of Subordinate Judge, Sathiyamangalam.

For Petitioner : Mr.V.P.K.Gowtham
For Respondent : Mr.C.Prakasam

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.168 of 2018 pending on the file of the Subordinate Court at Paramathi and transfer the same to Sub Court, Sathiyamangalam.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Sub Court, Paramathi. She finds it difficult to travel a long distance alone without any support. Since the marriage was solemnized on estranged circumstances, she does not have the support of her family. Further, she has a minor child and it causes physical, mental and financial hardship.

3. Contesting the statements, learned counsel for the respondent would contend that his mother is bedridden and her requirements are attended by him. He is at present jobless and cannot leave her alone. It is equally difficult for him to travel. He would seek a neutral venue.

4. It is an admitted fact that even in the petition filed by the respondent / husband for divorce the address of service of the petitioner / wife was shown as Sathiyamangalam. However, considering the facts and convenience of the parties, this Court is of the considered opinion that transferring the case to Gobichettipalayam will be conducive to both the parties.

5. Accordingly, by consent, H.M.O.P.No.168 of 2018 pending on the file of Sub Court, Paramathi is withdrawn and transferred to Sub Court, Gobichettipalayam. The learned Sub Judge, Gobichettipalayam is directed to renumber the petition; issue notice to the parties and dispose of the same within a period of two months from the date of receipt of a copy of this order.

6. Considering the employment of the respondent/husband as Professor in a College, his personal appearance for the ineffective dates of hearing is dispensed with. It is also made clear that he has to present himself for counselling and mediation. If at all he requires any further orders about his personal appearance, he can approach the Sub Court, Gobichettipalayam, by filing proper application.

7. The Transfer Civil Miscellaneous Petition is disposed of with the above observation and direction. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge
Paramathi.

2.The Subordinate Judge
Gobichettipalayam.

+1cc to Mr.C.Prakasam, Advocate sr.28453
+1cc to Mr.K.Sudhakar, Advocate sr.28219

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nr 01/07/2019