

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.195 OF 2019
AND CMP NO.5954 OF 2019

S.P.Renuga ... Petitioner

Vs.

R.Praveen Kumar ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP No.35 of 2018 on the file of the Subordinate Judge Court, at Ranipet, Vellore District and transfer it to the Court of Subordinate Judge at Thirutanni, Thiruvallur District for further trial of the case.

For Petitioner : Mr.S.Baskaran
For Respondent : Mr.T.P.Prabakaran

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.35 of 2018 pending on the file of the Sub Court, Ranipet, Vellore District and transfer the same to Sub Court, Thirutanni, Thiruvallur District.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce in HMOP No.35 of 2018 before the Sub Court, Ranipet. The petitioner / wife finds it very difficult for travel all the way from Thiruvallur to Ranipet, along with the minor child, to attend the case on every hearing and seeks transfer of HMOP No.35 of 2018 filed by the respondent / husband, to the Sub Court, Thirutanni, Thiruvallur District.

3. Heard the submissions made on either side and perused the materials available on record.

4. The learned counsel for the respondent would submit that the distance between the residence of the petitioner and Ranipet is equal and therefore, the petition filed by the husband need not be transferred.

5. On the other hand, this Court directed the parties to find out the exact distance between the Sub Court, Thiruttani and Sub Court, Ranipet and the residence of the petitioner. It is reported that Sub Court, Thirutanni is 15 kms away from the place of residence of the petitioner, whereas Sub Court, Ranipet is more than 46 kms away from the place of residence of the petitioner.

6. Considering the physical hardship caused to the petitioner / wife and convenience of the parties, this Court is inclined to transfer the petition filed by the respondent / husband pending before the Sub Court, Ranipet, Vellore District to Sub Court, Tirutanni, Thiruvallur District.

7. Accordingly, HMOP No.35 of 2018 pending on the file of Sub Court, Ranipet, is withdrawn and transferred to Sub Court, Tiruttani. The learned Sub Judge, Tiruttani, is directed to renumber the petition; issue notice to both the parties and thereafter, refer the matter for mediation.

8. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

TK
To

1.The Subordinate Judge,Ranipet, Vellore District.

2.The Subordinate Judge,Tiruttani, Tiruvallur District.

+1cc to Mr.T.P.Prabakaran , Advocate SR.No. 31751

+1cc to Mr. S.Baskaran, Advocate SR.No. 31534

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A.SK(11/06/2019)