

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.C.M.P.No.193 of 2019 &
CMP.No.5934 of 2019

S. Kalpana

..Petitioner/ Respondent

vs-

D. Sridhar

...Respondent/ Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw HMOP.No.119 of 2018 on the file of the Sub Court at Tambaram and to transfer the same to Sub Court, Mayiladuthurai, Nagapattinam.

For Petitioner : Mr.G.Bala and Daisy

For Respondent : Mr.M. Sridhar

ORDER

The petitioner is the wife of the respondent. She is an ordinary resident of Mayiladuthurai. The respondent/husband has filed a petition in HMOP.No.119 of 2018 against the petitioner/wife before the Sub Court, Tambaram for divorce. In the divorce petition also, the address for service was shown as Mayiladuthurai.

2.According to the petitioner/wife, she is now residing at Mayiladuthurai at her parental home and she has to travel a long distance from Mayiladuthurai to Chennai, which would cause physical and mental hardship to her. Therefore, she seeks for withdrawal of HMOP.No.119 of 2018 on the file of the Sub Court, Tambaram and transfer the same to Sub Court, Mayiladuthurai.

3. Heard the learned counsel appearing for petitioner and learned counsel appearing for the respondent.

4. Learned counsel for respondent would vehemently contend that the petitioner is a beautician and she is carrying on her business at Chennai and also resides within the jurisdiction of Sub Court, Tambaram, therefore this petition for transfer shall not be entertained.

5. The petitioner filed a rejoinder affirming that she is not residing at Chennai, but only at Mayiladuthurai. It is very difficult for her to travel a long distance of 600 K.ms. from Mayiladuthurai to Chennai to attend each and every hearing. Hence, she prays that the matter may be transferred from Chennai to Mayiladuthurai.

6. Admittedly, the petitioner is a resident of Mayiladuthurai and it is difficult for her to travel 600 kilometres from Mayiladuthurai to Tambaram to attend each and every hearing. Considering the safety of the petitioner and the distance between the petitioner's residence and Court, this Court is inclined to transfer HMOP.No.119 of 2018 on the file of the Sub Court at Tambaram to Sub Court, Mayiladuthurai, Nagapattinam.

7. Accordingly, HMOP.No.119 of 2018 pending on the file of Sub Court at Tambaram is withdrawn and transferred to Sub Court, Mayiladuthurai, Nagapattinam. No costs.

8. The Learned Sub Judge, Mayiladuthurai, Nagapattinam is directed to re-number the petition, issue notice to both the parties and dispose of the same as expeditiously as possible. Consequently, the connected C.M.P.No.5934 of 2019 is closed.
msr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate,
Tambaram.

2.The Subordinate
Mayiladuthurai, Nagapattinam.

+1cc to M/s.Bala & Daisy, Advocates, SR.No.37289/19

+1cc to Mr.M.Sridhar, Advocate, SR.No.37923/19

Tr.C.M.P.No.193 of 2019 &
CMP.No.5934 of 2019

Kak(08/07/2019)

Kak(26/07/2019)

Kak(21/08/2019)