

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.206 of 2019  
and C.M.P.No.6291 of 2019

1.Surekha  
2.Jothi Reddiar  
3.Hema

.. Petitioners

versus

Jayaprakash

.. Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.127 of 2016 pending on the file of the Principal Sub Court, Tindivanam and then transfer it to any other court of competent jurisdiction in Chennai.

For Petitioners : Mr.R.Gururaj

For Respondent : Mr.T.Dhanasekaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.127 of 2016 pending on the file of the Principal Sub Court, Tindivanam and then transfer it to any other court of competent jurisdiction in Chennai.

2. The first petitioner is the wife and respondent is the husband. The marriage between the first petitioner and respondent was solemnized on 11.05.2014 at Sri Veerattaneswarar Temple, Thiruvathigai, as per Hindu rites and customs. After the marriage, both of them were lived together for a considerable period and thereafter, difference of opinion arose between them, resultantly, the first petitioner left the matrimonial home and residing along with her parents at Chennai. In the meanwhile, the respondent has filed a petition under Section 13(1)(iii) of the Hindu Marriage Act, before the Principal Sub Court, Tindivanam, for the relief of annulling the marriage happened between them on 11.05.2014.

3. The learned counsel for the petitioners submitted that the petitioners are residing at Tambaram, the distance between their residence and Tindivanam is about 100 kms and it is very difficult for them to travel from Tambaram to Tindivanam to attend the Court proceedings at Tindivanam. Moreover, the respondent has unnecessarily impleaded even the parents of the first petitioner also in the divorce petition. Therefore, all the three petitioners have to appear before the pending divorce petition in H.M.O.P.No.127 of 2016. Hence, the same is liable to be transferred to the Sub Court, Tambaram. In support of the proof of residence, the learned counsel for the petitioners produced a copy of the Aadhar Card of the second petitioner. On perusal of the same also shows that the petitioners are residing at FIB Block, Malinds, Maner, Murugesan Street, Irumbuliur, Tambaram, Kancheepuram District.

4. The learned counsel for the respondent opposing the prayer submitted that the petitioners are residing only at Panruti, which is only 40kms from Tindivanam. Though the petitioners are appearing before the Court for the last three years, all of sudden they cannot seek transfer the petition from the file of the Principal Sub Court, Tindivanam to the file of the Sub Court, Tambaram.

5. Heard the learned counsel appearing for the petitioner as well as the learned counsel for the respondent and also perused the materials available on record.

6. On perusal of the copy of the Aadhar Card produced by the learned counsel for the petitioners would clearly show that they are residing at Tambaram. Therefore, this Court finds no impediment to withdraw the petition in H.M.O.P.No.127 of 2016 from the file of the Principal Sub Court, Tindivanam and transfer the same to the file of the Sub Court, Tambaram.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.127 of 2016 is ordered to be withdrawn from the file of the Principal Sub Court, Tindivanam and transferred to the file of the Sub Court, Tambaram. The Principal Subordinate Judge, Tindivanam, is directed to transmit all the records pertaining to H.M.O.P.No.127 of 2016 to the file of the Sub Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate

Judge, Tambaram, is directed to take up the matter and dispose of the same, on merits as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-  
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sri

To

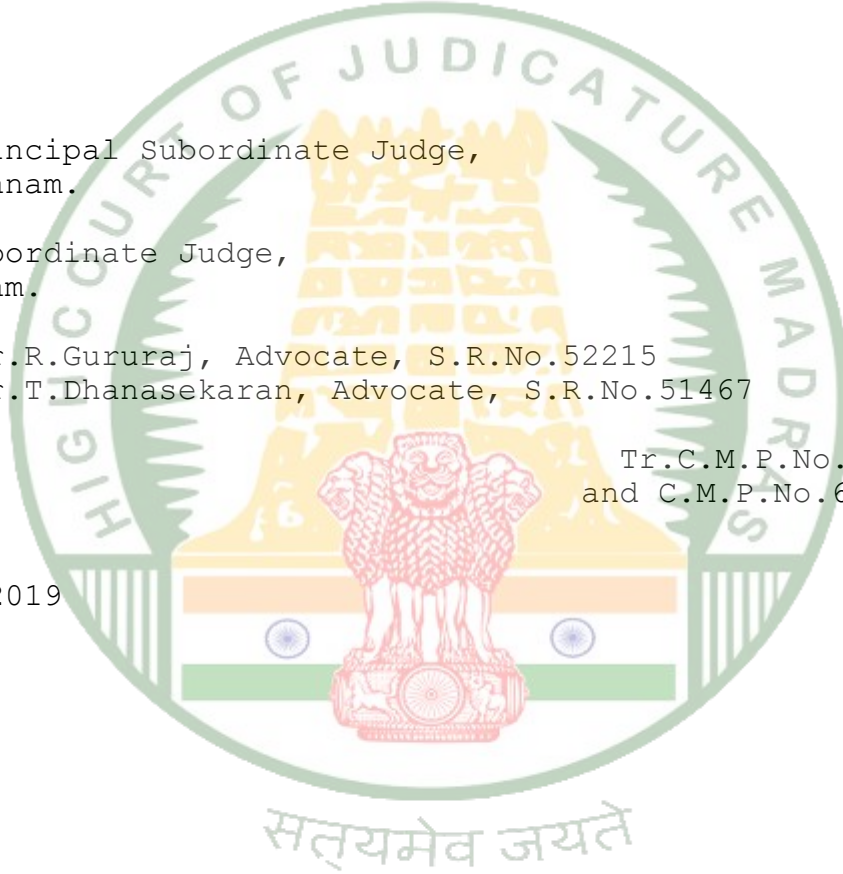
1. The Principal Subordinate Judge,  
Tindivanam.
2. The Subordinate Judge,  
Tambaram.

+1cc to Mr.R.Gururaj, Advocate, S.R.No.52215

+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.51467

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VD(CO)  
CS/28/08/2019



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