

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.290 of 2019  
and C.M.P. No.8430 of 2019

Kalaivani

... Petitioner/Petitioner

-VS-

Perumal

... Respondent/Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P.No.40 of 2018 on the file of learned Sub Court at Thiruvannamalai and transfer the same to the learned Sub Court at Poonamallee.

For Petitioner : Mr.S.Agni  
For Respondent : No appearance

O R D E R

Kalaivani, wife of Mr.Perumal/respondent herein, has come to the court seeking transfer of H.M.O.P.No.40 of 2018 pending on the file of learned Principal Sub Court at Thiruvannamalai to the learned Sub Court at Poonamallee, on the ground that the petitioner being a lady is unable to undertake long journey to appear before the learned Subordinate Court, Tiruvannamalai, along with her children.

2. It is stated by the petitioner that she is residing with her parents at Thiruverkadu with two small kids aged 3 years and 1 year respectively. As there has been some minor problems arisen between her and the family of the respondent, the respondent hastily filed HMOP.No.40 of 2018 on the file of Principal Subordinate Court, Tiruvannamalai. Since the Petitioner is unable to undertake long journey of about 183 kilometers from Thiruverkadu to Tiruvannamalai with two children, the Petitioner seeks to withdraw HMOP.No.40 of 2018 pending on the file of Sub Court, Tiruvannamalai, and submits that if the said HMOP.40 of 2018 filed by the respondent for divorce, is transferred to the file of Sub Court, Poonamallee, no prejudice will be caused to him.

3.This Court, after entertaining the Tr.C.M.P., has issued notice and the records maintained by the Registry also show that the respondent's mother has received the court notice on 25.04.2019. The Proof affidavit filed by the counsel shows that the court notice has been received by the mother of the respondent. In spite of receipt of court notice, the respondent is not interested to engage any counsel on his behalf or appear in person before this court which shows that he has no objection for allowing the Tr.C.M.P, as prayed for.

4.Taking note of the averments stated in the affidavit filed by the Petitioner as regards the distance factor, this court has no impediment to allow the Tr.C.M.P.

5.Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.40 of 2018 pending on the file of the Principal Sub Court, Tiruvannamalai, is withdrawn and transferred to the file of the Sub Court, Poonamallee.

6.The Sub Judge, Subordinate Court, Poonamallee, is directed to take up HMOP.40/2018 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P.No.8430 of 2019 is closed.

s/d-  
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

nvsri

To

1.The Sub Judge, Subordinate Court at Thiruvannamalai.

2.The Sub Judge, Subordinate Court at Poonamallee.

+1 CC to Mr.S.Agni, Advocate sr 47346.

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SPD(CO)  
SP(12/07/2019)