

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.04.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.C.M.P.No.3 of 2018 &
CMP.No.17 of 2018

S.Srinarayani

.. Petitioner

-vs-

Mr.T.Vasanthakumar

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC praying to withdraw the petition in HMOP.No.132 of 2017 on the file of Sub-Court, Kancheepuram and to transfer the same to Sub Court, Pattukottai.

For Petitioner : Mr.S.Sooriyakanth

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the petition in HMOP.No.132 of 2017 on the file of Sub-Court, Kancheepuram and to transfer the same to Sub Court, Pattukottai.

2. Petitioner is the wife. The respondent husband filed a petition for divorce before the Sub Court, Kancheepuram in HMOP.No.132 of 2017, wherein, the petitioner/wife's address was shown as Naduvikuppam Village and Post, Pattukottai Taluk, Thanjavur District.

3. The petitioner/wife, on the ground of physical hardship of traveling from 300 Kilometres from Pattukottai to Kancheepuram, sought for transfer of HMOP.No.132 of 2017, pending on the file of Sub-Court, Kancheepuram to Sub Court, Pattukottai.

4. On notice, the respondents appeared before the Court.

5. According to the respondent/husband, the petitioner is not residing at Pattukottai, as she had been to Australia on deputation through her employer.

6. To ascertain the fact, this Court directed the appearance of the petitioner/wife before this Court. The petitioner/wife physically appeared before this Court and produced her passport copy as well as her relieving letter from her employer. As per the passport entry, she was deputed abroad in September 2016 and she was also relieved from her employment on 23.8.2017. Therefore, the petitioner would contend that she is very much available at Pattukottai Taluk. According to her, traveling long distance from Pattukottai to Sub Court, Kancheepuram will cause both physical and mental hardship for her to attend each and every hearing.

7. Considering the factual aspects and perusing the materials produced before this Court, this Court is inclined to transfer the HMOP.No.132 of 2017 filed by the respondent husband pending on the file of Sub-Court, Kancheepuram to Sub Court Pattukottai.

8. Accordingly, HMOP.No132 of 2017 pending on the file of Sub Court, Kancheepuram is withdrawn and transferred to Sub Court, Pattukottai.

9. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, the connected C.M.P.No.17 of 2018 is closed.

Sd/-
Assistant Registrar

//True Copy//

msr

सत्यमेव जयते Sub Assistant Registrar

To

1) The Subordinate Judge,
Kancheepuram

2) The Subordinate Judge,
Pattukkottai.

+1cc to Mr.K.Sumathi , Advocate SR.No. 31413 (10/07/2019)

Tr.C.M.P.No.3 of 2018 &
CMP.No.17 of 2018

MU (CO)
SSM(06/06/2019)