

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr. C.M.P. No.482 of 2019
and C.M.P. No.13552 of 2019

S.Sandhiya

... Petitioner

-vs-

M.Karthik

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P. No.13 of 2019 pending on the file of Sub Court, Gobichettipalayam at Bhavani and transfer the same to the file of Sub Court, Sathyamangalam.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.Govind Chandrasekhar

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.13 of 2019 pending on the file of Sub Court, Gobichettipalayam at Bhavani to the file of Sub Court, Sathyamangalam.

2. According to the petitioner, she was married to the respondent on 14.06.2017 at Kavundampadi, Perunthaliyur Easwaran Koil and out of the wedlock, a female child, namely, Pranitha was born on 31.03.2018. Further, from the date of marriage, the respondent / husband and her in-laws were harassing, torturing and demanding her more dowry. Thereafter, on 13.12.2018, after the ear boring ceremony of their daughter, the respondent had not taken her to the matrimonial house. In order to harass her, the respondent has filed H.M.O.P.No.13 of 2019 before the learned Sub Judge, Gobichettipalayam at Bhavani for divorce on the ground of mental cruelty. In consequence, she has also filed D.V.C.No.1 of 2019 before the learned Judicial Magistrate, Sathiyamangalam. The petitioner further avers that she finds it very difficult to travel to Bhavani from Sathiyamangalam along with her child and aged parents and hence this petition.

3. The learned counsel for the petitioner would submit that the respondent has filed a case at Bhavani, which is about 50 kilometers from Sathiyamangalam, hence the petitioner finds it very difficult to attend each and every hearing along with her child and her age old parents cannot accompany her and therefore, pleaded that it is just and necessary to transfer the case from the Sub Court, Gobichettipalayam to Sub Court, Sathiyamangalam.

4. Per contra, the learned counsel for the respondent would submit that the respondent is a Doctor by profession and working in a private hospital and hence he cannot leave the hospital and attend the Court. However, the petitioner can equally travel to Bhavani from Sathyamangalam and it may not be difficult for her and hence pleaded to dismiss the petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. Considering the submissions on either side and taking note of the fact that the respondent being a Doctor can manage to travel from Bhavani to Sathyamangalam, but, the petitioner, who has to take care of her small child and that her aged parents cannot accompany her during the travel from Sathiyamangalam to Bhavani, this Court is of the view that the respondent, who is a Doctor, can travel to Sathyamangalam through a vehicle and it would be very difficult for the petitioner to travel to Gobichettipalayam at Bhavani along with her child.

7. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.13 of 2019 pending on the file of the Sub Court, Gobichettipalayam at Bhavani is withdrawn and transferred to the file of the Sub Court, Sathyamangalam. The learned Sub Judge, Sathyamangalam is directed to take up the case and dispose of the same expeditiously in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ssd

To

1.The Sub Court at Gobichettiyapalayam at Bhavani

2.The Sub Court, Sathiyamangalam

+1 CC to M/s. Govind Chandrasekhar, Advocate sr 77676

+1 CC to Mr.S.Parthasarathy, Advocate sr 76720.

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GP(CO)

SP(18/11/2019)