

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.509 of 2019
and CMP No.14074 of 2019

1. Mrs.S.Maivizhi
2. Mr.Madhava Shanmugam
3. Mrs.Vijaya Lakshmi ... Petitioners

-vs

S. Chezian ... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.102 of 2015 pending on the file of Sub Court, Arni, Tiruvannamalai and transfer the same to Sub Court, Vaniyambadi, Vellore District.

For Petitioners : Ms.T.Ramadevi

For Respondent : No appearance

O R D E R

All the petitioners have come to the court seeking to withdraw HMOP No.102 of 2015 pending on the file of Subordinate Court, Arni and transfer the same to Sub Court, Vaniyambadi, Vellore District.

2. The learned counsel for the petitioner submitted that the respondent/husband filed a petition in HMOP No.102 of 2015 before Subordinate Court, Arni, seeking for divorce. Since the respondent/husband has impleaded not only the wife but also her parents, all the three persons should take long journey of 90 kms for every hearing. The learned counsel further submitted that if the matter is transferred to Subordinate Court, Vaniyambadi, no prejudice would be caused to the respondent/husband.

3. After issuance of notice, Registry record shows that notice was served on the respondent on 05.08.2019, but he has

not chosen to appear, which shows that the respondent has no objection for allowing the petition. Apart from that if HMOP No.102/2015 is transferred from the Subordinate Court, Arni to the Subordinate Court, Vaniyambadi, there will be a short distance of 35 kms. Considering the fact that balance of convenience is in favour of the petitioners, this Court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

4. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.102 of 2015 pending on the file of Subordinate Court, Arni is withdrawn and transferred to Sub Court, Vaniyambadi.

5. The learned Sub Judge, Arni, is directed to send the entire records relating to HMOP No.102 of 2015 to the Sub Court, Vaniyambadi, Vellore District forthwith and the learned Subordinate Judge, Vaniyambadi, Vellore is directed to take up HMOP.102 of 2015 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr
To

- 1.The Subordinate Court, Arni.
2. The Subordinate Court, Vaniyambadi.

+1cc to Ms.T.Ramadevi, Advocate SR.75408

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SPD(CO)
CB(17/10/2019)