

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.478 of 2019
and
C.M.P.No.13503 of 2019

Vidya, W/o.Suresh Kumar,
D/o.Ramalingam,
Muthur, Jameen Uthukuli Post,
Pollachi Taluk,
Coimbatore District. ... Petitioner

Vs.

T.Suresh Kumar, S/o.Thiyagarajan,
No.131, Lakshmi Nagar Layout,
Near union office,
Madathukulam Taluk,
Tiruppur District. ... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.65 of 2017 from the file of the learned Sub Court, Udumalpet and to transfer the same to the learned Sub Court, Pollachi.

For Appellant : Mr.Arun Kumar D.R.
For Respondent : No appearance

ORDER

The petitioner/wife has filed this petition, seeking withdrawal of H.M.O.P.No.65 of 2017 from the file of the Sub Court, Udumalpet and to transfer the same to the Sub Court, Pollachi.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 30.08.2001 at Palani Thiuvavinankudi Temple, as per Hindu Rites and Customs. Due to matrimonial dispute between the petitioner and the respondent, the respondent was not interested to continue the life with the petitioner and therefore, he filed a petition for divorce before the Sub Court, Udumalpet in H.M.O.P.No.65 of 2017 and the same is pending.

3. It is also stated in the affidavit that the petitioner is working in, Muthusamy Group Matriculation Higher Secondary School near Pollachi and her son also studying in Pollachi. Hence, she is not able to travel to Udumalpet for appearance leaving her job and son in Pollachi. Therefore, she seeks for transfer of H.M.O.P.No.65 of 2017 from the file of the Sub Court, Udumalpet to the file of the Sub Court, Pollachi.

4. In spite of service of notice, the respondent did not choose to appear either in person or through counsel. When the matter was listed yesterday, there was no representation on behalf of the respondent and therefore, the matter was posted today. Even today, there is no representation on behalf of the respondent.

5. Heard the learned counsel appearing on the side of the petitioner and perused the materials available on record.

6. It is seen that the petitioner and the respondent are husband and wife, and due to matrimonial dispute, the respondent has filed a petition for divorce before the Sub Court, Udumalpet in H.M.O.P.No.65 of 2017. Since the petitioner is residing at Pollachi, she is unable to travel from Pollachi to Udumalpet, she seeks transfer and further there is no representation on behalf of the respondent, this Court is inclined to withdraw H.M.O.P.No.65 of 2017 from the file of Sub Court, Udumalpet and transfer the same to the file of Sub Court, Pollachi.

7. Accordingly, this Tr.C.M.P. is allowed and the H.M.O.P.No.65 of 2017, pending on the file of the Sub Court, Udumalpet, is withdrawn and transferred to the file of the Sub Court, Pollachi. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

sai

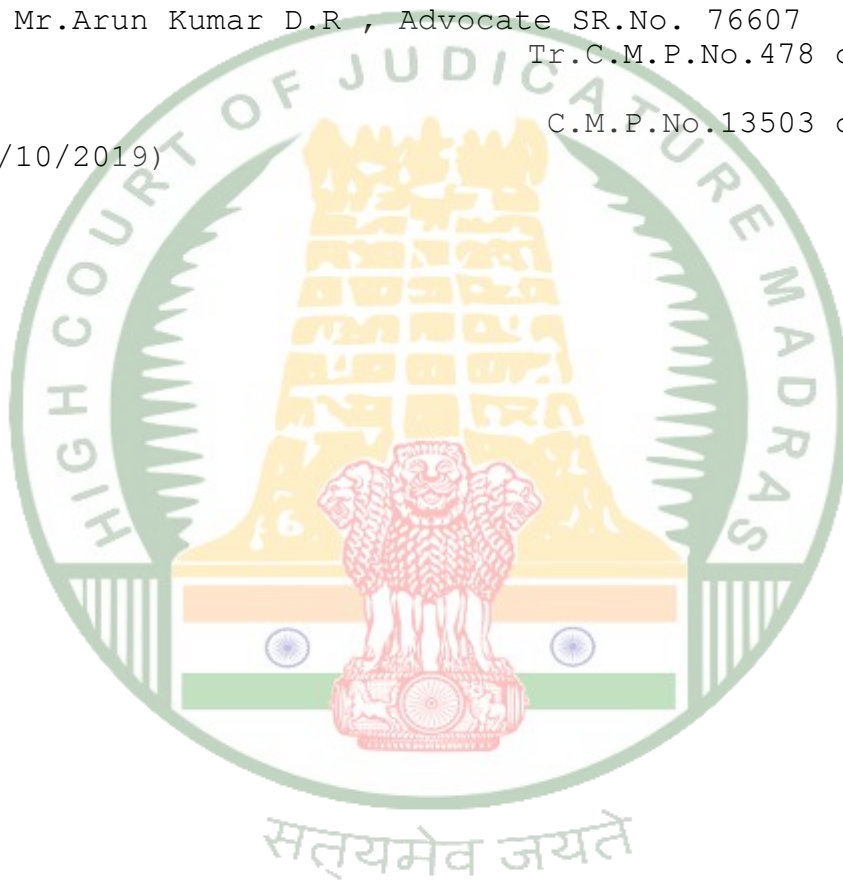
To

1. The Presiding Officer,
Sub-Ordinate Court,
Udumalpet.
2. The Presiding Officer,
Sub-Ordinate Court,
Pollachi.

+1cc to Mr.Arun Kumar D.R , Advocate SR.No. 76607

Tr.C.M.P.No.478 of 2019
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A.SK(17/10/2019)



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