

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.483 of 2019

M.Saravanan

.. Petitioner

-vs-

R.Barathi @ Parvathi

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.116 of 2018 pending on the file of Hon'ble Sub Court, Gobichettipalayam and to transfer the same to the Hon'ble Family Court, Coimbatore.

For Petitioner :: Mr.N.Ponraj

ORDER

This transfer civil miscellaneous petition has been filed by the husband of the respondent seeking to withdraw the H.M.O.P.No.116 of 2018 from the file of the Sub Court, Gobichettipalayam to be transferred to the Family Court at Coimbatore, on the ground that the petitioner is residing with his aged mother, who is a widow and moreover, she is also a patient taking regular treatment. As his mother's position and family circumstances do not permit the petitioner to attend the hearing before the Sub Court, Gobichettipalayam in H.M.O.P.No.116 of 2018, he has been advised to come to this Court seeking transfer. Moreover, it is pleaded that the intention behind lodging the petition before the Sub Court, Gobichettipalayam by the respondent is nothing but to drag on the matter and also to cause undue hardship to the petitioner. When the petitioner is unable to travel 100 Kms., for conducting the case at Gobichettipalayam at the risk of the petitioner's mother's safety and life, the pending H.M.O.P.No.116 of 2018 from the Sub Court, Gobichettipalayam be withdrawn and transferred to the Family Court at Coimbatore.

2. This Court is unable to find any justification in the prayer. When the petitioner is residing at Door No.9/A, Teachers Colony, Thondamuthur, Coimbatore, even if the prayer

for transfer is allowed, the respondent/wife, aged about 25 years, will have to undertake a long travel of 100 Kms., from Gobichettipalayam to Coimbatore for conducting the case. It is not safe for the respondent/wife to undertake a long travel. Therefore, finding no justification, this Court is not inclined to entertain the petition. Accordingly, Tr.C.M.P.No.483 of 2019 stands dismissed. Consequently, C.M.P.No.13560 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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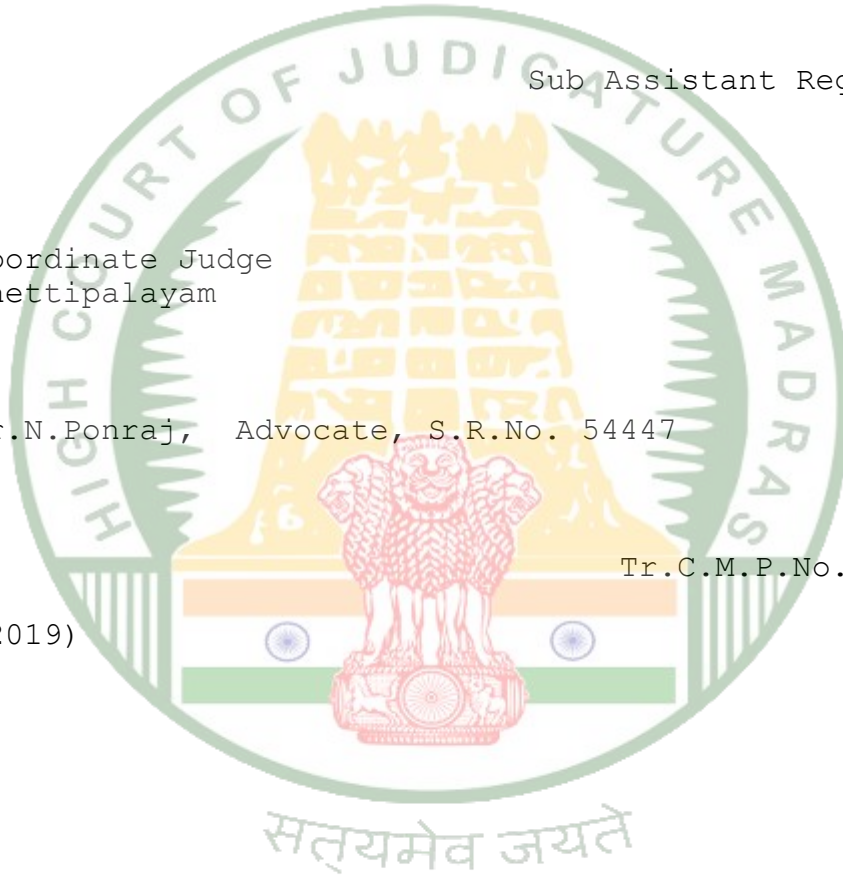
To

1. The Subordinate Judge  
Gobichettipalayam

+1cc to Mr.N.Ponraj, Advocate, S.R.No. 54447

VSN II (CO)  
GN (29/07/2019)

Tr.C.M.P.No.483 of 2019



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