



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.NO.596 OF 2019

AND

C.M.P.NO.17219 OF 2019

N.Jayasudha

... Petitioner

Vs.

R.Sakthivel

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the case in HMOP. No.100 of 2018 on the file of the Sub Court, Gobichettipalayam to Sub Court, Krishnagiri District.

For Petitioner : M/s.G.Selvi George

For Respondent : Mr.P.Rajavel

O R D E R

This Transfer Miscellaneous petition has been filed seeking to withdraw H.M.O.P.No.100 of 2018 on the file of Sub Court, Gobichettipalayam and transfer the same to Sub Court, Krishnagiri.

2. In an earlier occasion, it is represented that the petitioner/wife was set exparte before the Sub Court-Gobichettipalayam on 30.07.2019 and an order of exparte evidence was also passed. She has also filed a set aside petition before the Sub-Court, Gobichettipalayam and the same could not be numbered, in view of the stay granted by this Court on 20.08.2019. This Court vacated the stay and directed the Sub Court, Gobichettipalayam to number the set aside petition filed by the petitioner, after serving notice to the other side. Accordingly, the Sub Court, Gobichettipalayam set aside the exparte order and posted the matter for further hearing on 10.12.2019.

3. The learned counsel for the respondent submitted that till date, she has not filed Counter Affidavit in the main O.P.



4. The case of the petitioner is that the respondent and the petitioner are the husband and wife and the marriage between the parties was solemnised on 17.04.2017 at Pariyoor Arulmigu Kondaththuk Kaliyamman Thirukovil, Gobichettipalayam, as per Hindu Rites and Customs. At the time of marriage, the respondent was given with substantial dowry and the marriage was held in a grand manner. The respondent treated the petitioner with cruelty and she lived there only for a short period and forced to flee from the matrimonial home. Without taking any steps for re-union, the respondent filed H.M.O.P.No.100 of 2018 before the Sub Court, Gobichettipalayam seeking for decree of divorce. The petitioner is residing at her parents house at Krishnagiri. Therefore, she finds it very difficult to travel from Krishnagiri to Gobichettipalayam to attend every date of hearing. Hence, she seeks transfer of the petition in HMOP. No.100 of 2019 pending on the file of the Sub Court, Gobichettipalayam to the file of the Sub Court, Krishnagiri.

5. The learned counsel for the petitioner would submit that now the petitioner residing in her parental home at Krishnagiri. She is depending upon her parents for her livelihood. The learned counsel for the petitioner would further submit that the petitioner being a lady, could not travel alone from Krishnagiri to Gobichettipalayam for attending Court proceedings. If the case is transferred to Krishnagiri, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband from Gobichettipalayam to Krishnagiri.

6. Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record.

7. Considering the fact that the petitioner being a lady, so also, residing at Krishnagiri and it will be difficult for her to travel from Krishnagiri to Gobichettipalayam to attend every date of hearing, this Court is inclined to transfer the case from Gobichettipalayam to Krishnagiri. Accordingly, HMOP. No.100 of 2018 pending on the file of the Sub Court, Gobichettipalayam is to be withdrawn and transferred to the file of the Sub Court, Krishnagiri. The petitioner / wife is directed to file her counter affidavit in the said HMOP No.100 of 2018 within a period of three weeks from today before the Sub Court, Gobichettipalayam and the H.M.O.P.No.100 of 2018 shall be transferred to Sub-Court, Krishnagiri, within a period of four weeks from the date of receipt of copy of this order.



8. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. Sub Judge, Gobichettipalayam
2. Sub Judge, Krishnagiri

+lcc to Mr.P.Rajavel, Advocate, S.R.No.94747

+lcc to M/s.G.Selvi George, Advocate, S.R.No.94755

TR.C.M.P.No.596 of 2019
and
C.M.P.No.17219 of 2019

CS/09/12/2019