

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
Dated: 25.11.2019  
CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.775 of 2019  
and  
C.M.P.No.21625 of 2019

R.Sudha ..Petitioner  
(In both)

Vs.

N.Jayakumar ...Respondent  
(In both)

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in HMOP. No.63 of 2019 on the file of the Subordinate Judge, Palani and transfer the same to the file of the Subordinate Judge, Pollachi.

For Petitioner : Mr.R.Nandhakumar  
For Respondent : Notice served - No  
appearance

O R D E R

This petition has been filed to withdraw the petition in HMOP. No.63 of 2019 on the file of the Subordinate Judge, Palani and transfer the same to the file of the Subordinate Judge, Pollachi.

2. The case of the petitioner is that the respondent and the petitioner are the husband and wife. The marriage between the parties was solemnized on 29.10.2010 at Avainankudi Temple as per the Hindu Rites and Customs. After marriage, the petitioner was living in the matrimonial home. Out of the wedlock, two female children were born namely Srinithi and Madhusri, aged about 7 and 5 respectively. The petitioner was working in NGM. College at Pollachi and she informed her husband that she has transferred to Udumalpet and the same was not accepted by him. Due to which, there was a misunderstanding arose between them. Thereafter, the petitioner along with two children moved to her parental home. Due to the same, the respondent filed a divorce case in HMOP. No.63 of 2019 on the file of the Subordinate Judge, Palani. At

present, the petitioner is living at Pollachi. Hence, the petitioner seeks transfer the case from Sub Court Palani to Sub Court, Pollachi.

3. The learned counsel for the petitioner would submit that the petitioner is employed. The petitioner is now living in her parental house at Pollanchi and she is appearing before the Court at Palani. If the case is transferred to Pollachi, on the days of Court hearing, she would take one day leave. If not, she would forced to take leave for two days frequently to attend the Court proceedings. This would be an additional burden for the petitioner. The children are going to school and the parents are aged persons and due to ill health, they could not travel along with the petitioner. To attend the Court at Palani, the petitioner has to travel around 75 to 80 Kms. From Pollachi. Therefore, it will be very difficult for her. The learned counsel for the petitioner seeks transfer of the petition in HMOP. No.63 of 2019 from the Sub Court, Palani to Sub Court, Pollachi.

4. Though notice has been served on the respondent, none appeared either in person or through his counsel on behalf of the respondent. Inspite of giving sufficient opportunities, the respondent has not come forward to defend his case. Therefore, this Court is inclined to dispose of the case on merits and in accordance with law.

5. Heard the learned counsel for the petitioner and perused the materials available on record. None appeared on behalf of the respondent.

6. It is seen from the affidavit filed in support of this petition that the respondent has filed a divorce case before the Sub court, Palani. But the petitioner is a resident of Pollachi and the children are going to school.

7. Considering the convenience of the petitioner, this Court is inclined to transfer the divorce petition filed by the husband in HMOP. No.36 of 2019, on the file of the Subordinate Court, Palani to the file of Subordinate Court, Pollachi.

8. Accordingly, this petition is allowed. The Original Petition in HMOP. NO.36 of 2019, on the file of the Subordinate Court, Palani is withdrawn and the same to be transferred to the Subordinate Court, Pollachi. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Court, Palani.
2. The Subordinate Court, Pollachi.

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and  
C.M.P.No.21625 of 2019

A.SK(28/01/2020)



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