

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr. C.M.P. No. 564 of 2019
and C.M.P.No.15891 of 2019

Durga

... Petitioner

-vs-

Senthilkumar

... Respondent

Prayer : Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.10 of 2019 on the file of Subordinate Court, Mannarkudi, Thiruvarur District and to transfer the same to the Subordinate Court, Neyveli, Cuddalore District.

For Petitioner : Mr.A.L.Gandhimathi

For Respondent : Mr.P.Sesubalan

O R D E R

The Transfer C.M.P. has been filed to withdraw the H.M.O.P.No.10 of 2019 on the file of the Subordinate Court, Mannargudi, Thiruvarur District and transfer the same to the Subordinate Court, Neyveli, Cuddalore.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 10.02.2016 at T.R.G.Thirumana Mandapam, Mannargudi, as per Hindu Rites and Customs. The petitioner and the respondent were living at Bangalore for some time and there is a rift between the parties. While so, the respondent had proceeded to USA and it is alleged that the respondent / husband did not take care of the petitioner / wife properly. After some time, the petitioner also went to USA, at that time, she was pregnant and was living there for three months, later, she came to India on 06.03.2017 and staying with her parents. All of a sudden, the respondent had filed a Divorce Petition in H.M.O.P.No.10 of 2019 before the Subordinate Court, Mannargudi on 07.01.2019, seeking divorce stating bald allegations. Since the petitioner has to take care of her child, she seeks transfer of H.M.O.P.No.10 of 2019 to the Subordinate Court, Neyveli.

3. The learned counsel for the petitioner submits that since the baby is now two years old, it will not be possible for the petitioner to travel up to Mannargudi and hence she seeks transfer of H.M.O.P.No.10 of 2019 to Subordinate Court, Neyveli.

4. The learned counsel for the respondent / husband submits that the respondent is working at Bangalore and it is not possible for him to travel from Bangalore to Chennai and then to Mannargudi or to Neyveli.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. At this stage, the learned counsel on either side, seeks a direction from this Court to transfer the case to the Subordinate Court, Virudhachalam, since both the parties have expressed their convenience to transfer the case to Subordinate Court, Virudhachalam, which is only 29 Kms from the petitioner's residence and it will also be easier for the respondent / husband to travel from Bangalore to Virudhachalam.

7. Considering the facts expressed by the learned counsel for the petitioner as well as the learned counsel for the respondent that it will be convenient for the parties to appear before the Subordinate Court, Virudhachalam and taking note of the difficulties expressed by them, this Court is inclined to allow this petition with a direction. Accordingly, the H.M.O.P.No.10 of 2019 pending on the file of Subordinate Court, Mannargudi, Thiruvarur District is hereby withdrawn and transferred to the Subordinate Court, Virudhachalam for the convenience of the parties.

8. On hearing the submissions of the learned counsel on either side, this Court is of the view that if the petitioner / wife is willing to claim the expenses to be incurred for travelling from her house to the Court at Virudhachalam, she is at liberty to claim the same from the respondent and if the claim is made, the respondent / husband is directed to reimburse both the expenses [to and fro] to be incurred by the petitioner as well as her parents or whoever accompanies her.

In fine, the present Tr.C.M.P. Is allowed with the aforesaid direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Subordinate Judge,
The Subordinate Court,
Mannargudi, Thiruvarur District
2. The Subordinate Judge,
The Subordinate Court,
Neyveli, Cuddalore District.
3. The Subordinate Judge,
The Subordinate Court,
Virudhachalam

+1 cc to M/s.AL.Gandhimathi, Advocate, S.R.No.78001

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RSV(CO)
SSM(16/09/2019)