

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.610 of 2019
and C.M.P.No.17478 of 2019

J.Kavitha Sree

..Petitioner

Vs.

M.Kamalakannan

...Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the HMOP. No.68 of 2019 on the file of the Sub Court, Poonamallee and to transfer the same on the file of the Family Court, Dharmapuri.

For Petitioner : Mr.S.C.Viswanth

For Respondent : Mr.R.Subramaniam

O R D E R

This petition has been filed to withdraw HMOP. No.68 of 2019, on the file of the Sub Court, Poonamallee and transfer the same to the file of the Family Court, Dharmapuri.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnised on 17.02.2016 at Sri Aiswaryam Mahal at Tanjore. In the wedlock, a girl child was born on 27.11.2016. The matrimonial life of the petitioner was not peaceful with the respondent. The respondent has filed a petition under Section 13 (1)(i-a) of Hindu Marriage Act in HMOP. No.68 of 2019, before the learned Sub Court, Poonamallee, for divorce.

3. The learned counsel for the petitioner would submit that now the petitioner along with her child is living with her parents at Dharmapuri. The petitioner's father is bedridden and he is unable to accompany her to the Court proceedings. The petitioner further states that it would be very difficult for her to travel from Dharmapuri to Poonamallee a distance of 500 K.m., along with her 2 ½ years old child. Therefore, she seeks

transfer of the H.M.O.P.No.68 of 2019 from the file of Sub Court, Poonamallee, to the file of Family Court, Dharmapuri.

4. The learned counsel for the respondent would submit that the petitioner can travel to Poonamallee and no prejudice would be caused to her. It is very difficult for the respondent to travel from Poonamallee to Dharmapuri.

5. Heard the learned counsel for the petitioner and respondent and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is of the view that the petition in HMOP. No.68 of 2019 on the file of the Sub court, Poonamallee would be withdrawn and transferred to the Family Court, Dharmapuri.

7. Accordingly, this petition is allowed. The original petition in HMOP. No.68 of 2019, on the file of the Sub Court, Poonamallee, is withdrawn and the same is transferred to the Family Court, Dharmapuri. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

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To

1. The Sub Court, Poonamallee.

2. The Family Court, Dharmapuri

+1cc to Mr.S.C.Viswanth, Advocate SR.No.80611

+2cc to Mr.E.Maharajan, Advocate SR.No.80085

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SVI(CO)
GMY(04/11/2019)