

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.669 of 2019
and
C.M.P.No.19203 of 2019

Gomathi Petitioner/Respondent (Wife)
Vs.
Sukumar Respondent/Petitioner/Husband

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in HMOP. No.66 of 2017 pending on the file of the Sub Court, Sangagiri and transfer the same to the file of the Sub Court, Bhavani.

For Petitioner : Mr.B.Mohan

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in HMOP. No.66 of 2017 pending on the file of the Sub Court, Sangagiri and transfer the same to the file of the Sub Court, Bhavani.

2. The case of the petitioner is that the Respondent and petitioner are the husband and wife. The marriage was solemnized between the parties on 16.02.2004 at Sri Lakshmi Mandapam, Bargur Road, Anthiyur as per Hindu Rites and Custom. After the marriage, the petitioner was residing with the respondent in the matrimonial home. From the day of marriage, the respondent started to ill-treat the petitioner and abused her with filthy language. Due to the misunderstanding between the couples, they were living separately. Therefore, the respondent has filed a petition in HMOP. No.66 of 2017 before the learned Sub Judge, Sangagiri for dissolution of marriage. The petitioner/wife is the resident of Erode. She finds it difficult to travel from Erode to Salem to attend the Court proceedings. Therefore, she seeks transfer of the divorce petition in HMOP. No.66 of 2017 on the file of the Sub Court, Sangagiri filed by the husband to the file of the Sub Court, Bhavani.

3. The learned counsel for the petitioner/wife would submit that now the petitioner is residing in her parental house along with her aged parents. The petitioner is

unemployed. So she is depending upon her parents for her livelihood. Only to harass the petitioner, the respondent has filed a divorce petition before the Sub Court, Sangagiri, which is around 100 kms. distance from Erode. Being a lady, the petitioner could not travel alone from Erode to Sangagiri for attending Court proceedings. If the case is transferred to Bhavani, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband from Sangagiri to Bhavani.

4. This Court was ordered notice to the respondent through Court as well as privately on 06.09.2019. The Court notice has been served on him and the private notice has returned with an endorsement as 'insufficient address' Till date, the respondent has not filed any vakalat on behalf of him for conducting a case. In spite of giving sufficient opportunities, he has not appeared either in person or through his counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

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

6. Considering the facts and circumstances of the case and convenience of the parties, this Court is inclined to transfer the case from Sangagiri to Bhavani. Accordingly, HMOP. No.66 of 2017 pending on the file of Sub Judge, Sangagiri is to be withdrawn and transferred to the file of the Sub Court, Bhavani.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Sangagiri.

2.The Subordinate Judge,
Bhavani.

+1cc to Mr.B.Mohan, Advocate Sr.91579

TR C.M.P. No.669 of 2019
and

C.M.P.No.19203 of 2019

vgI[co]

<https://hcservices.ecourts.gov.in/hcservices/>

Sig 03/12/2019