

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.631 of 2019

and

C.M.P.No.18224 of 2019

Eniya @ Indirani

... Petitioner

Vs.

S.Karthick Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.117 of 2019 pending on the file of the Subordinate Court, Thirupathur and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

For Petitioner : Mrs.S.Suseela Devi

For Respondent : Mrs.M.A.Mumtaj Surya

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP. No.117 of 2019 pending on the file of the Subordinate Court, Thirupathur and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between them on 04.12.2016 at CKM Thirumana Mandapam, Tirupathur. After the marriage, there was a misunderstanding between the couples. Due to the same, the couples were living separately. For which, the respondent had filed a petition in HMOP. No.117 of 2019 before the Subordinate Court, Tirupathur for dissolution of marriage. The petitioner/wife is the resident of Tiruvannamalai. She finds it difficult to travel from Tiruvannamalai to Thirupathur to attend the Court proceedings. Therefore, she seeks transfer of the divorce petition filed by the husband.

3. The learned counsel for the petitioner/wife would submit that a false allegation has been foisted against the petitioner for getting divorce. The petitioner is now residing at her parental house at Tiruvannamalai. Except the petitioner's parents, she has no one in her family to accommodate her to

attend the Court each and every hearing. Hence, it is very difficult for the petitioner to travel from Tiruvannamalai to Thirupathur. Because of this, she is facing physical and financial issues. Therefore, it will be appropriate to transfer the case filed by the husband from Thirupathur to Tiruvannamalai.

4. The learned counsel for the respondent has no objection to transfer the petition to Subordinate Court, Tiruvannamalai.

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

6. Considering the convenience of the parties, this Court is inclined to transfer the case from Thirupathur to Tiruvannamalai. Accordingly, HMOP. No.117 of 2019 pending on the file of Subordinate Court, Tirupathur is to be withdrawn and transferred to the file of the Subordinate Court, Tiruvannamalai.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Tiruvannamalai.

2.The Subordinate Judge,
Thirupathur.

+1 cc to M/s.S.Suseela Devi, Advocate Sr.No. 88050(07.01.2020)

AKM/04.12.19/2P- 4C /

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