

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR.C.M.P.NO.704 OF 2019

AND

C.M.P.NO.19998 OF 2019

S.Samundeeswari

... Petitioner

Vs.

T.Jeyakarthikeyan

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.15 of 2019 pending on the file of the Sub Court, Omalur, Salem District and transfer the same to the file of the Principal District Court, Erode, to try along with G.W.O.P.No.88 of 2019.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.T.Dhanasekaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking withdraw the HMOP. No.15 of 2019 pending on the file of the Sub Court, Omalur, Salem District and to transfer the same to the file of the Principal District Court, Erode, to try along with G.W.O.P.No.88 of 2019.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 24.02.2008 at Manikkammal Chinna Gounder Thirumana Mandabam at Poosaripatty, Salem District as per Hindu Rites and Custom. In the wedlock, two male children were born viz., Pranav and Sharan respectively. After marriage, the respondent was working in Quatar and the petitioner was staying in her parental house. On the other hand, the respondent along with his father, demanded dowry and also harassed the petitioner. The respondent and his father has driven the petitioner to file a case against them. Therefore, she filed an interlocutory application under Section 24 of CPC. for seeking interim maintenance. Though the

I.A. Was filed on 20.08.2019 and the same was not taken on file, due to the influence of the respondent's father, till today. Subsequently, the respondent has filed a petition in GWOP. No.88 of 2019 before the Principal District Judge, Erode seeking for appointment of guardian for the minor children and also filed another petition in HMOP. No.15 of 2019 before the Sub Court, Omalur, Salem District for dissolution of marriage. The petitioner/wife is the resident of Erode. She finds it difficult to travel from Erode to Omalur to attend the Court proceedings. Therefore, she seeks transfer of the divorce petition filed by the husband and to be tried the same along with GWOP. No.88 of 2019.

3. The learned counsel for the petitioner/wife would submit that the petitioner along with her children were staying her parents house at Erode. The parents of the petitioner are aged persons. They could not travel from Erode, which is about 180 Kms. It will be very difficult to the petitioner to travel alone to Omalur for attending Court proceedings. Because of this, she is facing physical as well as financial issues. Therefore, it will be appropriate to transfer the case filed by the husband from Omalur to Erode.

4. The learned counsel for the respondent/husband would submit that he has no objection to transfer the cases.

5. Considering the convenience of the parties and no objection made by the respondent and in order to avoid conflicting judgment, this Court is inclined to transfer the case from Omalur to Erode. Accordingly, HMOP. No.15 of 2019 pending on the file of Sub Court, Omalur, Salem District is withdrawn and transferred the same to the file of the Principal District Court, Erode, to tried along with GWOP. No.88 of 2019.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Judge, Erode.
- 2.The Sub Judge, Omalur, Salem.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.81972
+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.81791

TR.C.M.P.No.704 of 2019
and
C.M.P.No.19998 of 2019

CS/30/10/2019