

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.11.2019
C O R A M
THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN
TR C.M.P. No.823 of 2019
and
C.M.P.No.22801 of 2019

Padmapriya

... Petitioner

Vs.

Aathikesavan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the petition in HMOP. No.40 of 2019 pending on the file of the Sub Court, Virudhachalam, Cuddalore District to Sub Court in Kallakurichi.

For Petitioner : Mr.V.Gunasekar

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking withdraw and transfer the petition in HMOP. No.40 of 2019 pending on the file of the Sub Court, Virudhachalam, Cuddalore District to Sub Court in Kallakurichi.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 09.02.2014 at Mankalampettai. The respondent abused the petitioner in filthy language. Due to cruel attitude of the respondent, the petitioner left the matrimonial home and staying in her parental house. The petitioner parents are unemployed and there are no proper income available for their livelihood. Therefore, she filed a maintenance case in M.C.No.1 of 2015 before the learned Judicial Magistrate, Sankarapuram. Subsequently, the respondent has filed a petition in HMOP. No.40 of 2019 on the file of the Sub court, Virudhachalam, Cuddlore District, for dissolution of marriage. The petitioner/wife is the resident of Kallakurichi. She finds it difficult to travel from Kallakurichi to Virudhachalam 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 the maintenance case filed by her to Kallakurichi.

3. This Court ordered notice on 14.11.2019 and the same was served on the respondent. In order to give sufficient opportunities, he has not appeared in person or through his

counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

4. The learned counsel for the petitioner/wife would submit that the respondent is earning more than Rs.35,000/-. The respondent is having sufficient means, neglected to maintain the petitioner. The petitioner has no income. Being a lady, the petitioner could not travel alone from Kallakurichi to Virudhachalam which is around 200 K.M. Distance. 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 Virudhachalam to Kallakurichi.

Heard the learned counsel for the petitioner and perused the materials available on record. There is no representation on behalf of the respondent.

5. Considering the convenience of the petitioner and physical hardship caused to her, this Court is inclined to transfer the case from Virudhachalam to Kallakurichi. Accordingly, HMOP. No.40 of 2019 pending on the file of Sub Court, Virudhachalam, Cuddalore District is withdrawn and transferred to the file of the learned Sub Court, Kallakurichi tried along with M.C.No.1 of 2015.

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

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

kmm

To

1.The Sub Judge, Sub Court, Virudhachalam.

2.The Sub Judge, Sub Court, Kallakurichi.

+1Cc to Mr.V.Gunasekar, SR.98324.

TR C.M.P. No.823 of 2019

and

C.M.P.No.22801 of 2019

VGII (CO)

CSR: 10/0/2020