

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.828 of 2018
and
C.M.P.No.20357 of 2018

Sangeetha ... Petitioner/Respondent

Vs.

M.Sivakumar ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw H.M.O.P.No.35 of 2017, pending on the file of the Sub Court, Tirupattur transfer to the Sub Court at Thiruvannamalai.

For Petitioner : P.M.Jayachandran

For Respondent : J.Hariharan

O R D E R

This Transfer Civil Miscellaneous Petition is filed to transfer H.M.O.P.No.35 of 2017, pending on the file of the Sub Court, Tirupattur to the Sub Court at Thiruvannamalai.

2. The learned counsel for the petitioner submitted that the petitioner has to travel 45 Kms away from Chengam to Tirupattur and also apprehends assault by the respondent/husband.

3. On notice, the respondent filed a counter affidavit stating that the petitioner/wife is employed at Dr.Thangamma Nursing & Paramedical College Hospital as a nurse and she is coming daily from Chengam to Tirupathur for her work. The distance between the said hospital and the Court of the Subordinate Judge is only 1 ½ kilometers. The distance between Chengam and Triuvannamalai is also 45 km. Thus the distance between Chengam and Tirupathur and the distance between Chengam and Triuvannamalai are same. Further there is no need for her personal attendance on all the hearings before the court below.

If the petition is transferred to Tiruvannamalai, the petitioner has to come all the way from Yelagiri Hills to Tiruvannamalai the distance of which is 110 Km.

4. In such circumstances, the Transfer Civil Miscellaneous Petition filed by the petitioner/wife does not deserve any merit and accordingly the Transfer Civil Miscellaneous petition is dismissed. The matter is pending before the Sub Court, Tirupattur, and the appearance of the parties is not necessary except for trial. Hence, the personal appearance of the petitioner/wife is dispensed with except for trial. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

The Subordinate Judge, Tirupattur.

+1 cc to Mr.V.Nicholas, Advocate Sr.No.9573

+1 cc to Mr.P.M.Jayachandran, Advocate Sr.No.10108

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SR(CO)
CSL/06.03.2019

सत्यमेव जयते

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