

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.932 of 2018
and
C.M.P.No.23088 of 2018

Rubini ... Petitioner

Vs.

Maharajan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.81 of 2018 on the file of the Principal Sub-Court, Rasipuram and transfer the same to the file of the Sub-Court, Gobichettipalayam having competent jurisdiction.

For Petitioner : Mr.K.Govi Ganesan

For Respondent : Mr.N.Camyles Gandhi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.81 of 2018 on the file of the Principal Sub-Court, Rasipuram to the file of the Sub-Court, Gobichettipalayam.

2. The respondent and petitioner are husband and wife. Respondent/husband filed a divorce petition in H.M.O.P.No.81 of 2018 on the file of the Principal Sub-Court, Rasipuram. The petitioner/wife is before this Court for transfer on the ground that she cannot travel long distance to attend the case before the Principal Sub Court, Rasipuram.

3. The learned counsel for the respondent/husband vehemently objected to the transfer of the case. He would contend that the petitioner/wife has filed the above petition for transfer with an ulterior motive to harass the respondent and hence sought dismissal of the petition.

4. Considering the facts and circumstances of the case and the hardship caused to the petitioner/wife by travelling 80 kms from Gobichettipalayam to Rasipuram, this Court is inclined to transfer the petition filed by the husband for divorce to the file of Sub Court, Gobichettipalayam.

5. Accordingly, H.M.O.P.No.81 of 2018 pending on the file of the Principal Sub-Court, Rasipuram is withdrawn and transferred to the file of Sub-Court, Gobichettipalayam. The Sub-Court, Gobichettipalayam is directed to dispose of the case as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

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Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

bri

To

1.The Judge,
Principal Sub-Court,
Rasipuram.

2. The Judge,
Sub-Court,
Gobichettipalayam.

+1CC to M/S.N.CAMYLES GANDHI Advocate SR.NO.40706

+1CC to M/S.K.GOVI GANESAN Advocate SR.NO.40952

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cm 12/06/2019