



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2019

CORAM :

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

T.R.C.M.P. (MD) No.121 of 2019

and

C.M.P. (MD) No.2653 of 2019

Baby Salini

: Petitioner

vs.

R.Vijay

: Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.129 of 2018 pending on the file of the Subordinate Court, Athur and transfer the same to Subordinate Court, Kulithalai, Karur District.

For Petitioner

: Mr.K.C.Ramalingam

For Respondent

: Mr.M.Chellakannu

ORDER

This petition is filed to withdraw the H.M.O.P.No.129 of 2018 pending on the file of the Subordinate Court, Athur and transfer the same to Subordinate Court, Kulithalai, Karur District.

2.This petition has been filed by the wife, against whom, the respondent has filed the petition in H.M.O.P.No.129 of 2018 for divorce on the ground of cruelty and desertion. It is seen that specific allegations have been made against the wife that she had deserted the husband and treated him with cruelty.

3.It is admitted that the petitioner has not filed any counter in the proceedings in H.M.O.P.No.129 of 2018, despite the fact that the petition was filed about one year back. The only ground raised by the petitioner in this petition for transfer is convenience of the wife/petitioner. It is not in dispute that the wife is not living with the husband and there is nothing to discredit the statement of the husband that the wife is voluntarily residing away from the husband. The conduct of the wife *prima facie* shows that she is not prepared to live with the husband. The wife need not be shown any indulgence in this case by transferring the case to her place of residence.

<https://hcservices.ecourts.gov.in/hcservices/>
4. Considering the convenience of the wife/petitioner alone, the petitioner has approached this Court and this Court do not find any *bona fide* reason to entertain this petition. Accordingly, this



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petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge,
Athur.

+1 CC to Mr.K.C.RAMALINGAM, Advocate (SR-69086[F] dated 17/06/2019)

T.R.C.M.P. (MD) No.121 of 2019
17.06.2019

cmr

MK (28.06.2019) 2P 3C