



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S. S. SUNDAR**

T.R.C.M.P. (MD) No.127 of 2019

and

C.M.P. (MD) No.2758 of 2019

M.Suresh

... Petitioner/Respondent

Vs.

L.Pavithralakshmi

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.20 of 2018 on the file of the Subordinate Court, Sangagiri to the Subordinate Court, Madurai.

For Petitioner

:Mr.R.Srinivasan

For Respondent

:Mr.B.Rooban

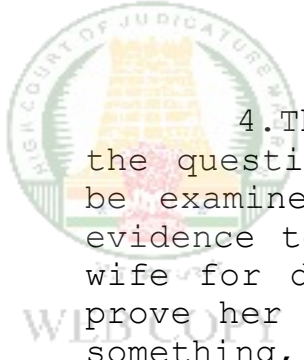
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### **ORDER**

This petition is filed by the husband, who is the respondent in H.M.O.P.No.20 of 2018 on the file of the Subordinate Court, Sangagiri. The said petition has been filed by the respondent/wife seeking divorce on the ground of cruelty under Section 13(1)(ia) of Hindu Marriage Act, 1955.

2.The marriage between the petitioner and the respondent was solemnized on 02.02.2015 at Arulmighu Sellathamman Temple, Kodangipatti, Vadipatti Taluk, Madurai District. The marriage was also registered subsequently. It is stated that the petitioner and the respondent were living together as husband and wife for some time and thereafter, misunderstanding arose between them. It is in these circumstances, respondent/wife preferred a petition for divorce in H.M.O.P.No.20 of 2018 before the Subordinate Court, Sangagiri. The petitioner is residing in the same village, where, the marriage took place. However, the respondent stating that she was driven out from the matrimonial home by the petitioner and his parents in the month of August'2017, after quarrel between them and that from October'2017, the wife is residing with her parents.

3.The petitioner/husband preferred the above transfer petition mainly on the ground that he is a Government servant and that he has been unnecessarily dragged to Sangagiri. It is further stated that the petitioner's counsel and the petitioner have been threatened, as the respondent and her people are affluent having money and muscle power and that the petitioner facing severe life  
<https://hcservices.courts.gov.in/hcservices/> in the hands of the respondent and his relatives at Sangagiri.



4. Though no such circumstances is narrated in the petition, the question as to the reasonableness of the apprehension cannot be examined in this case, as both parties have not let in any evidence to substantiate their case. In the petition filed by the wife for divorce on the ground of cruelty, the wife has onus to prove her case. However, in this case, the petitioner has stated something, which had happened in the matrimonial home, which is located within the jurisdiction of the Subordinate Court, Madurai.

5. Considering the nature of grievance expressed by the petitioner, this Court asked the Counsel representing on both sides about the convenience of parties to transfer the case to Subordinate Court, Erode, which would be in middle and both parties can appear before the Court and participate in the trial without any difficulties. Though the learned Counsel for the respondent agreed for the same, the learned Counsel for the petitioner wants transfer of the proceedings from Subordinate Court, Sangagiri, to Subordinate Court, Karur.

6. This Court, after considering the submissions of learned Counsel on either side, is of the view that transfer of proceedings to Subordinate Court, Erode, will be appropriate and hence, this petition is disposed of by withdrawing the proceedings in H.M.O.P.No.20 of 2018 on the file of the Subordinate Court, Sangagiri, and transferring the proceedings to Subordinate Court, Erode. The learned Subordinate Judge, Erode is directed to expedite the trial and dispose of the proceedings in H.M.O.P.No.20 of 2018 within a period of four months from the date of receipt of the records. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Subordinate Judge, Sangagiri.
2. The Subordinate Judge, Erode.

+ 1 CC to Mr. B. Rooban, Advocate in SR.No.66880

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