



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.15 of 2019

and

C.M.P(MD) No.430 of 2019

Divya @Ammu

... Petitioner/Respondent

Vs.

P.Annadurai

... Respondent/ Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to transfer the case in H.M.O.P.No.165 of 2018 pending on the file of the learned Subordinate Judge, Poonamallee to the learned Subordinate Judge at Pudukkottai.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to transfer H.M.O.P.No.165 of 2018 pending on the file of the learned Subordinate Judge, Poonamallee to the Sub Court, Pudukkottai.

2. Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent.

3.The transfer civil miscellaneous petition has been filed by the wife on the following grounds:-

(i) the petitioner is residing at Pudukkottai and she has a seven years old child.

(ii) She is totally depending on her age old parents. Due to their ailments, they are not able to assist with the petitioner for prosecuting the H.M.O.P. filed by the respondent/husband.

(iii) The matter is pending before the Sub Court, Poonamallee and the distance between Pudukkottai to Chennai is about 400kms, for which she has to incur more expenses for the travel and stay.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Taking note of the fact that H.M.O.P.No.165 of 2018 is pending before the Sub Court, Poonamallee and taking into account



the above inconvenience that the petitioner would be subject to, this Court is inclined to allow the transfer H.M.O.P.No.165 of 2018. Further, the Sub Court, Pudukkottai has also the jurisdiction to try the petition for divorce.

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5.In the result, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.165 of 2018 pending on the file of the Sub Court, Poonamallee, is ordered to be withdrawn and transferred to the file of Sub Court, Pudukkottai. The learned Subordinate Judge, Poonamallee, is directed to transmit the entire records in H.M.O.P.No. 165 of 2018 to the Sub Court, Pudukkottai and the learned Subordinate Judge, Pudukkottai, is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

msa

To

1.The Subordinate Judge, Poonamallee.

2.The Subordinate Judge, Pudukkottai.

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate (SR-91147[F] dated 03/10/2019)

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and

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