



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10..2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P. (MD)No.161 of 2019
and C.M.P (MD)No.3663 of 2019

R.Jeyasudha ... Petitioner/Respondent

Vs.

S.Mahesh Babu ... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw H.M.O.P.No.153 of 2018 pending on the file of the Sub Court, Palani, Dindigul District and transfer to the Sub Court, Kovilpatti, Tuticorin District.

For Petitioner : Mr.M.Alagarsamy
For Respondent : No appearance

J U D G M E N T

The above transfer civil miscellaneous petition is filed by the wife seeking transfer of H.M.O.P.No.153 of 2018 from the file of the Sub Court, Palani, Dindigul District to the Sub Court, Kovilpatti, Tuticorin District.

2. Heard the learned counsel appearing on behalf of the petitioner. Though the name of the respondent is printed in the cause list after notice was served on him, he has neither appeared in person nor through a counsel.

3. The petitioner would submit that she had been forced to leave the matrimonial home in view of the cruelty that has been inflicted on her by her in-laws and her husband. The petitioner would submit that harassment was on account of the respondent demanding more dowry from the petitioner. She has also filed a complaint before the All women Police Station on 24.8.2019 and the same is pending and after filing of the complaint before the All Women Police Station, it appears that the respondent has initiated the proceedings for divorce and has filed a petition before the Sub Court, Palani. The petitioner would submit that she is entirely depending on her parents for her day to day expenses since the husband has not taken any steps to maintain her. In these circumstances, if she has to travel to Palani, she would cause more financial strain on her aged parents. That apart, the Sub Court, at Kovilpatti, Tuticorin District is also conferred with the jurisdiction to try the divorce petition. The petitioner/wife is



residing at Kovilpatti.

4. Considering all these factors, I am of the view that this Transfer Petition should be allowed. Accordingly, the following directions are issued:

i) The learned Subordinate Judge, Palani, Dindigul District, is directed to transmit the entire records in H.M.O.P.No. 153 of 2018 to the file of the Subordinate Court, Kovilpatti, Tuticorin, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Kovilpatti, Tuticoring after obtaining the records on transfer, is directed to dispose of the same as expeditiously as possible in accordance with law.

5. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

CM
To

1.The Subordinate Judge, Palani, Dindigul District.

2.The Subordinate Judge, Kovilpatti, Tuticorin District.

+1CC TO MR.M.ALAGARSAMY, Advocate Sr. No. 92177

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SCR(CO)
TR(05.11.2019) 2P 4C