



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.10.2019
CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.235 of 2019
and C.M.P(MD) No.5504 of 2019

G.Lakshmipriya ... Petitioner/1ST Respondent
Vs.

1.Manivasagam
2.R.G.Ram Jawahar ... Respondents

(R2 is a formal party in the H.M.O.P.
Hence, service of notice may be given up)

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in H.M.O.P.No.99 of 2019 on the file of the learned Subordinate Judge, Theni, Theni District to the learned Subordinate Judge at Devakottai, Sivagangai District.

For Petitioner: Mr.S.Muthal Raj
For R1 : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed at the behest of the wife, who is the respondent in H.M.O.P.No.99 of 2019 filed by the first respondent herein/husband for declaring the marriage as null and void, before the learned Subordinate Judge, Theni, Theni District, to transfer the same to the file of learned Subordinate Judge at Devakottai, Sivagangai District.

2.Though the first respondent was served, he has not entered appearance in person or through counsel.

3. The petition filed for transfer on the following ground:

a. that the petitioner has a minor child, who is aged about a year and half and that she has to travel to Theni for the hearings, as and when she is required to be present before the Court below, which would cause a great-deal of financial strain on her, since the first respondent/husband has not paid any maintenance to her.

b. the petitioner also apprehends for her physical safety as the husband has taken out a defence that the child born to them is not his child and the child is born to the former husband of the petitioner and on account of this stand, the first respondent had



harassed the petitioner and for the said reason, the petitioner leaving the matrimonial home.

c. the matter is being transferred only to the Subordinate Judge at Devakottai, Sivagangai District and the presence of the first respondent is not required for every hearings. That apart, being a man, it is very convenient to him to travel Devakottai.

4. I find some force in the contentions raised by the petitioner. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P(MD) No.99 of 2019 is ordered to be withdrawn and transferred from the file of the Subordinate Judge, Theni, Theni District, to the file of Subordinate Judge at Devakottai, Sivagangai District. The learned Subordinate Judge, Theni, Theni District, is directed to transmit the entire records in H.M.O.P(MD) No.99 of 2019 to the Subordinate Judge at Devakottai, Sivagangai District and the learned Subordinate Judge at Devakottai, Sivagangai District, 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 (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge, Theni, Theni District.

2.The Subordinate Judge at Devakottai, Sivagangai District.

+1 CC to MR.NA. PALANIYANDI, Advocate (SR-94088[F] dated 24/10/2019)

Tr.C.M.P. (MD)No.235 of 2019
23.10.2019

GNS

MK (15.11.2019) 2P 4C