



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.10.2019
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P(MD)No.243 of 2019
and C.M.P. (MD) No.5623 of 2019

Vanitha ... Petitioner
Vs.
T.Logarajan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the petition made in H.M.O.P.No.589 of 2016 on the file of the Sub-Court, Tambaram to Sub-Court, Theni.

For Petitioners : Mr.P.R.Prithiviraj
For Respondent : No appearance

J U D G M E N T

The wife is the petitioner before this Court. This Transfer Civil Miscellaneous Petition is filed to transfer H.M.O.P.No.589 of 2016 filed by the husband for divorce against the respondent pending on the file of the Subordinate Court, Tambaram to be tried by the Subordinate Court, Theni, where the petitioner is residing.

2.It is the case of the petitioner that out of her wedlock with the respondent herein, she has been blessed with 3 daughters. She lived at her matrimonial house till the year 2013 and thereafter the attitude of the respondent underwent a change. Misunderstanding arose between them and the respondent returned to her parental home leaving behind her eldest daughter and taking along with her two younger ones.

3.The petitioner would submit that she has been taken care of by her father and she had therefore attended the hearings before the Sub Court, Tenkasi. Finally her father passed away on 30.10.2018 and as a result she is now left all alone. Therefore, it would be difficult for her to travel to Tenkasi to attend the hearings leaving behind her two minor girls. That apart, she is also not receiving any maintenance from her husband.

4. In these circumstances, interest of justice would subserved if the transfer petition is allowed and H.M.O.P.No.589 of 2016 is transferred from the file of the Sub Court, Tambaram to the file of the Sub Court, Theni.



5. Accordingly, the following direction is issued:

i) The learned Principal Subordinate Judge, Tambaram, is directed to transmit the entire records in H.M.O.P.No.589 of 2016 to the file of the Sub Court, Theni, within a period of two weeks from the date of receipt of copy of this order.

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

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

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Sub-Court, Tambaram
- 2.The Sub-Court, Theni.

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