



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P(MD)No.259 of 2019

and

C.M.P. (MD) No.5950 of 2019

Pandiselvi

... Petitioner

Vs.

Pappusamy @ Ananthakrishnan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.208 of 2018, on the file of the Sub Court, Thirumangalam, Madurai District and to transfer the same to the file of the learned Sub Court, Sivakasi, Virudhunagar District.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.A.Jeyaramachandran

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife, seeking to transfer the proceedings in H.M.O.P.No.208 of 2018, filed by her husband, from the file of the Sub Court, Thirumangalam, to the file of the Sub Court, Sivakasi, Virudhunagar District.

2. The reasons for which transfer is sought are as follows:-

(i). The petitioner is unable to travel to the Sub Court, Thirumangalam, which is far away from her residence and also she is taking care of her minor child and aged parents. She finds it very difficult both physically as well as financially to travel to the Sub Court, Thirumangalam, for all the hearings.

(ii). The petitioner has not been maintained by her husband / respondent.

3. The learned counsel appearing for the respondent would submit that the presence of the petitioner before the Sub Court, is not required for every hearing and it would suffice, if she is present when she given her evidence. He would also submit that the husband / respondent is ready to pay money to the wife for travel expenses to attend all the hearings.



4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent.

5. Taking into account the above submissions, I am of the view that the proceedings need not be transferred from the Sub Court, Thirumangalam to the Sub Court, Sivakasi.

6. However, the Transfer Civil Miscellaneous Petition is disposed of, with a direction to the husband / respondent to pay necessary charges towards travel and other incidental expenses to his wife, which she will incur for attending the hearing at the Sub Court, Thirumangalam. It is also made clear that the cross-examination of the petitioner / wife should take place on the very same date when she gives her chief examination. It is made clear no adjournment in this regard shall be given. If the respondent does not cross-examine the witnesses on the said date, the evidence of the petitioner / wife will be closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To,

1. The Subordinate Judge, Thirumangalam,
Madurai District.

Tr.C.M.P(MD)No.259 of 2019

and C.M.P. (MD) No.5950 of 2019

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