



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2019**

CORAM

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

TR.C.M.P. (MD) No.261 of 2019

and

C.M.P. (MD) No.5973 of 2019

S.Muthumari

... Petitioner/Respondent

vs.

M.Subburaja

... Respondent/Petitioner

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the I.A.No.75 of 2019 in HMOP.No.151 of 2018 pending on the file of the Sub Court, Thirumangalam Madurai to the file of Sub Court, Gopichettipalayam, Erode District.

For Petitioner : Mr.S.Vanchinathan

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the application in I.A.No.75 of 2019 in HMOP.No.151 of 2018 pending on the file of the Sub Court, Thirumangalam Madurai to the file of Sub Court, Gopichettipalayam, Erode.

2.The learned counsel appearing for the petitioner/wife would submit that the respondent/husband has filed a divorce petition in HMOP.No.75 of 2013 before the Sub Court (Camp Court), Thirumangalam, Madurai, and further, the said Camp Court was upgraded and designated as Sub Court and the case in HMOP.No.75 of 2013 was renumbered as HMOP.No.151 of 2018 in the Sub Court, Thirumangalam. It appears that an ex parte order was passed on 22.04.2015, which was later set aside in favour of the petitioner/wife. He would further contend that on 04.03.2019, the case was dismissed for the non appearance of the respondent and thereafter, he has filed the restoration petition in I.A.No.70 of 2019. In the restoration petition, the respondent has come forward with the contention that he has married another woman, by name, Hemalatha in the year 2015 itself.



3.The learned counsel would further contend that when the petitioner/wife had attended the hearing on 06.06.2019, the respondent/husband along with his family members compelled her to withdraw the case and further, they threatened her with dire consequences, for which, she had lodged a criminal complaint before the All Women Police Station, Gopichettipalayam. He would further contend that since the respondent has not given any amount as maintenance to her till date, she is totally depending on her parents and she would be unable to defend the case at Thirumangalam, as it is very difficult to travel from Gopichettipalayam to Thirumangalam.

4.Considering the fact that the residence of the petitioner/wife is also conferred with the jurisdiction to try the petition for divorce and taking into account the hardship that is likely to be caused to the petitioner/wife, this Transfer Civil Miscellaneous Petition is allowed and the application in I.A.No.75 of 2019 in HMOP.No.151 of 2018 on the file of the Sub Court, Thirumangalam, is ordered to be withdrawn and transferred to the file of Subordinate Court, Gopichettipalayam, Erode. The learned Subordinate Judge, Thirumangalam, is directed to transmit the entire records of I.A.No.75 of 2019 in HMOP.No.151 of 2018 to the Subordinate Court, Gopichettipalayam, Erode, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

mm

To

1.The Subordinate Judge, Thirumangalam.

2.The Subordinate Judge, Gopichettipalayam, Erode District.

+1 CC to M/s.S. VANCHINATHAN, Advocate (SR-97562[F] dated 12/11/2019)

TR.C.M.P. (MD) No.261 of 2019
11.11.2019

JMN(13.12.2019) 2P : 4C