



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

WEB COPY

Tr.C.M.P.(MD).No.59 of 2019 and
C.M.P.(MD).No.1552 of 2019

V.Saranya

... Petitioner/Respondent

Vs.

Sundara Vishnu Priyan

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the petition in unnumbered H.M.O.P. of 2018 in I.A.No.105 of 2018 on the file of the Sub Court, Virudhunagar District and transfer the same to any other competent Court in Perambalur District as may be decided by this Court.

For Petitioner : Mr.A.P.Muthupandian

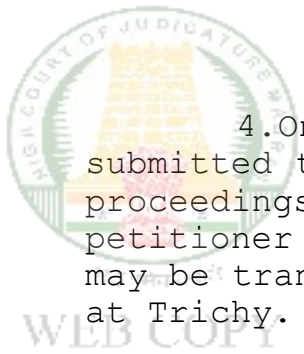
For Respondent : M/s.Louisal Ramesh

ORDER

This transfer civil miscellaneous petition is filed by the wife to withdraw the unnumbered H.M.O.P. filed by her husband before the Sub Court, Virudhunagar, along with I.A.No.105 of 2018 and to transfer the same to any other Court competent in Perambalur District.

2.The marriage between the petitioner and respondent had taken place on 25.05.2018 as per the Hindu Rites and customs. It is admitted that the respondent had already married one Sobana and got divorce from the Family Court, Coimbatore, on 18.01.2018. Only after the divorce with the first wife, the respondent contracted this marriage with the petitioner. Since the petition for divorce is filed within a period of one year, a petition is filed in I.A.No.105 of 2018 to get permission to file the divorce petition within the statutory period of one year.

3.The learned counsel submitted that the petitioner is residing at Perambalur along with her mother. Since the petitioner's father is no more, it is stated that she is under the care and custody of her own aged mother. It is further stated that the distance between Virudhunagar and Perambalur is more than 250 kilometers and the travelling time is more than five hours. Since it is difficult to the petitioner to travel a long distance for every hearing and she is also not having any employment, it is stated that the petition for transfer may be allowed.



4. On the other hand, the learned counsel for the respondent submitted that there is a threat to the life of the respondent. The proceedings need not be transferred to Perambalur where the petitioner is residing. It is further stated that the proceedings may be transferred in a middle place namely the Principal Sub Court, at Trichy.

5. Considering the grievance of the petitioner, this Court is of the view that the convenience of the wife can be given preference. At the same time, having regard to the serious allegations made by the respondent, this Court is inclined to transfer the proceedings to the Principal Sub Court, Trichy.

6. As a result, this transfer civil miscellaneous petition is allowed and the unnumbered H.M.O.P of 2019 filed by the respondent along with I.A.No.105 of 2018 on the file of Sub Court, Virudhunagar, is withdrawn and transferred to Principal Sub Court, Trichy. The Sub Judge, Virudhunagar, is directed to transfer the records to the Principal Sub Court, Trichy, within a period of two weeks from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sub Judge, Virudhunagar.

2. The Principal Sub Judge, Trichy.

+1 CC to Mr.A.P.MUTHU PANDIAN, Advocate (SR-75519[F] dated 16/07/2019)

+1 CC to M/s.LOUISAL RAMESHA, Advocate (SR-75619[F] dated 17/07/2019)

Tr.C.M.P.(MD).No.59 of 2019
16.07.2019

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