



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.91 of 2019
and C.M.P (MD)No.2098 of 2019

P.Mahalakshmi

... Petitioner

Vs.

S.Iyappan

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case on the file of the Sub Court, Tambaram in H.M.O.P.No.818 of 2018 and transfer the same to the learned Principal Sub Court, Trichy.

For Petitioner : Mr.M.Ayyanar

J U D G M E N T

This application is filed by the wife seeking transfer of H.M.O.P.No.818 of 2018 filed by the husband for divorce from the file of the Subordinate Court, Tambaram, to the file of the Principal Subordinate Court, Trichy.

2. The petitioner would seek to have the proceedings transferred as she is living with her parents at Trichy after she had left her matrimonial home on account of the cruelty meted out by her. The husband has not taken any steps whatsoever to maintain the petitioner. She would further submit that as and when she is required to appear before the court she would have to travel all the way from Trichy to Tambaram and there would be instances she would have to remain at Tambaram. In this circumstances, it would be very difficult for her to prosecute the case at Tambaram. Hence, she seeks transfer.

3. Heard the learned counsel appearing on behalf of the petitioner. Though the respondent has been served with notice, he has not chosen either to appear in person or through counsel.

4. Considering the reasons that had been put forward for the transfer and also taking into account the fact that transfer is only sought to the Principal Subordinate Court at Trichy, where the respondent need not appear for every hearing, in the interest of justice, this Court is inclined to allow this petition.

5. Accordingly, this Court issues the following directions:

- i) The learned Subordinate Judge, Tambaram, is directed to transmit the entire records in H.M.O.P.No. 818 of 2018



to the file of the Principal Subordinate Court, Trichy, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Principal Subordinate Judge, Trichy, 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)

CM

To,

- 1.The Subordinate Judge,Tambaram.
- 2.The Principal Subordinate Judge, Trichy.

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TR(22.11.2019)2P 3C