



WEB COPY

Tr.C.M.P. (MD)No.275 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.275 of 2019

and

C.M.P(MD) No.6474 of 2019

R.Pradeepa

... Petitioner/Respondent

Vs.

S.Ilango

... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.MO.P.No.85 of 2019 on the file of Sub Court, Ramanathapuram to Sub Court, Kovilpatti.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.S.Malaikani

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking to transfer the petition for divorce filed by the respondent/husband in H.MO.P.No.85 of 2019 on the file of the Sub Court, Ramanathapuram to the file of the Sub Court, Kovilpatti.

2.The petitioner's contention is that the marriage with the respondent was solemnized on 24.11.2017 at Ramanathapuram and they had last resided together with at Ramanathapuram. Out of the marriage, the parties were blessed with a male child on 28.08.2018. The petitioner would submit that the respondent was employed at Bangalore and at the time of marriage, she was assured that the respondent will take her to Bangalore, but unfortunately, the assurance was observed in breach and she continued to remain at her matrimonial home, where she has been subjected to lot of ill-treatment and harassment. Ultimately, on account of this ill-treatment, she was constrained to leave her matrimonial home and returned to her parental home at Kovilpatti. The petitioner would further submit that since she is taking care of her child who is just a year old she finds it very difficult to attend the hearing at Sub Court, Ramanathapuram and the other factor is that the respondent/husband is not residing at Ramanathapuram and he is working at Bangalore.



3.In these circumstances, no prejudice will be caused to the respondent/husband, if the matter is heard either at Sub Court, Ramanathapuram or by Sub Court, Kovilpatti, since his presence for every hearing, is not required. It is also brought to the notice of this Court that the husband is transferring a sum of Rs.7,000/- per month starting from August 2019 after the filing of the Section 24 application under the Hindu Marriage Act, 1955 by the wife in H.MO.P.No.85 of 2019. The said amount is paid both for the petitioner and her minor child.

4.In view of the above, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.MO.P.No.85 of 2019 pending before the Sub Court, Ramanathapuram, is ordered to be withdrawn and transferred to the file of Sub Court, Kovilpatti. The learned Subordinate Judge, Ramanathapuram, is directed to transmit the entire records in H.M.O.P.No.85 of 2019 to the Sub Court, Kovilpatti. Since the counter has also been filed in the above HMOP, the learned Subordinate Judge, Kovilpatti, is directed to dispose of H.M.O.P.No.85 of 2019 and the connected application, on merits and in accordance with law, within a period of five months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Subordinate Judge, Ramanathapuram.
- 2.The Subordinate Judge, Kovilpatti.

+1 CC to M/s.S.MALAIKANI, Advocate SR-93623.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate SR-93776.

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CS(13.11.2019) 2P 5C