



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.10.2019
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD) No.357 of 2019

and

C.M.P. (MD) No.8235 of 2019

Ramya

... Petitioner/ Respondent

vs.

Raja

... Respondent/Petitioner

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.226 of 2018 on the file of Sub Court, Sivakasi, and transfer the same to the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.K.Veilmuthu
For Respondent : Mr.M.Jothibas

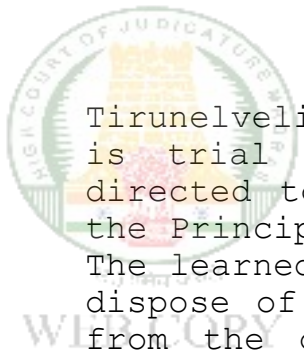
ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking for transfer the petition in HMOP.No.226 of 2018 pending on the file of the Sub Court, Sivakasi, to the file of the Principal Sub Court, Tirunelveli.

2.The main contention of the petitioner/wife is that the marriage between the petitioner/wife and the respondent/husband had taken place within the jurisdiction of Principal Subordinate Court, Tirunelveli and the parties had last resided together within the said jurisdiction.

3.From a perusal of the petition in HMOP.No.226 of 2018, it is seen that the respondent/husband has invoked the jurisdiction of Sub Court, Sivakasi on the ground that he is residing within the said jurisdiction. However, it is neither the place, where the marriage between the parties was solemnized nor where they last resided together. The marriage was solemnized at Tirunelveli and they had last resided together also at Tirunelveli. The residence of the husband does not confer the jurisdiction to the Court.

4.By taking note of the above submission, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.226 of 2018 on the file of the Sub Court, Sivakasi, is ordered to be withdrawn and transferred to the file of Principal Sub Court,



Tirunelveli since the pleadings have been completed and the matter is trial stage. The learned Subordinate Judge, Sivakasi, is directed to transmit the entire records of HMOP.No.226 of 2018 to the Principal Sub Court, Tirunelveli,, as expeditiously as possible. The learned Principal Subordinate Judge, Tirunelveli, is directed to dispose of the HMOP.No.226 of 2018 within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Subordinate Judge,
Sivakasi.
2. The Principal Subordinate Judge,
Tirunelveli.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-91794[F] dated 15/10/2019)

+1 CC to Mr.K.VEILMUTHU, Advocate (SR-91987[F] dated 15/10/2019)

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14.10.2019

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