



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE P.T. ASHA

TRCMP(MD).No. 363 of 2019 and
CMP(MD).No.8385 of 2019

R. Annamayil .. Petitioner

Vs.

N. Saravanan ... Respondent

PRAYER: This petition is filed, under Section 24 of CPC to withdraw the proceedings in HMOP.No. 117 of 2019, on the file of the II Additional Subordinate Judge, Coimbatore and to transfer the same to the file of Sub Court, Tirumangalam.

For Petitioner : Mr. K. Satheeshkumar
for M/s. J. Jeyakumaran

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Appeal is filed by the petitioner / wife. Though the name of the counsel for respondent / husband is printed in the cause list, however, none appeared, when the matter was called. Considering the short issue involved this Court is proceeding to pass orders in the absence of counsel for respondent.

2. The Transfer CMP is filed to transfer HMOP.No. 117 of 2019, on the file of the II Additional Subordinate Judge, Coimbatore to the file of the Sub Court, Tirumangalam. The said HMOP has been filed by the respondent / husband seeking divorce. The petitioner / wife contended that she had been subjected to harassment at her matrimonial home. She was also harassed constantly for more dowry. The petitioner's parents and relatives had tried to solve the differences between herself and the respondent, but, the same ended in vain. The petitioner has also filed the petition under Domestic Violence Act before the District Munsif - Cum - Judicial Magistrate, Madurai in D.V.O.P.No.2 of 2019 and in the meanwhile, the husband has filed HMOP.No. 117 of 2019 seeking divorce.

<https://hcservices.ecourts.gov.in/hcservices/> 3. The petitioner would submit that she has not been



getting any maintenance from the husband. She is totally depending on her parents and she is residing at Madurai along with parents. If she is made to attend hearings at Coimbatore, she would have to travel a long distance staying over night and for that purpose she would require help of the one or more persons which would all lead to additional financial burden on her parents. Therefore, she is seeking to transfer HMOP.No. 117 of 2019 from the file of II Additional Subordinate Judge, Coimbatore to the file of Sub Court, Tirumangalam.

4. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The reasons that have been given seeking transfer appears to be reasonable and convincing and therefore, this Transfer Civil Miscellaneous Petition is allowed. Consequently, HMPO.No. 117 of 2019 pending on the file of learned II Additional Subordinate Judge, Coimbatore is hereby withdrawn and transferred to the file of the Sub Court, Tirumangalam, Madurai District. The learned II Additional Subordinate Judge, Coimbatore, is directed to transmit the entire records pertaining to the case in HMPO.No. 117 of 2019, to the transferee Court, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

1. The II Additional Subordinate Judge, Coimbatore

2. The Sub Court, Tirumangalam.

+1 CC to M/s.J. JEYAKUMARAN, Advocate (SR-92006[F] dated 15/10/2019

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