



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.11.2019
CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.369 of 2019
and
C.M.P(MD) No.8497 of 2019

Vasanthi ... Petitioner/Respondent-Wife

Vs.

Venkatesan ... Respondent/Petitioner-Husband

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case on the file of the Sub Court, Udumalaipettai, Thiruppur District and transfer the same to the learned Sub Court, Melur, Madurai District.

For Petitioner : Mr.T.Veerakumar
For Respondent : No appearance

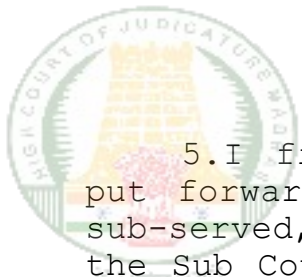
ORDER

The above Transfer Civil Miscellaneous Petition is filed by the wife seeking to transfer H.M.O.P.No.86 of 2019 filed by the husband for divorce on the file of the Sub Court, Udumalaipettai, Thiruppur District to the file of Sub Court, Melur, Madurai District, where the petitioner is residing with her minor son.

2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent. Therefore, this Court is proceeded to hear the matter in his absence.

3.From the affidavit that has been filed in support of this petition, it is seen that the respondent/husband and his mother treating the petitioner with utmost cruelty to the extent of assaulting her, when she was pregnant. The second child was born and died on the very next day. The respondent has also not paid any maintenance either to his wife or to his minor son. The petitioner who has just gone through a delivery would find it impossible to travel to Udumalaipettai to attend the hearings in H.M.O.P.No.86 of 2019.

4.The learned counsel appearing for the petitioner has reiterated the above facts.



5.I find considerable force in the arguments that have been put forward by the petitioner and interest of justice would be sub-served, if the petition in H.M.O.P.No.86 of 2019 pending before the Sub Court, Udumalaipettai, Thiruppur District, is ordered to be withdrawn and transferred to the file of Sub Court, Melur, Madurai District. The learned Subordinate Judge, Udumalaipettai, Thiruppur District, is directed to transmit the entire records in H.M.O.P.No.86 of 2019 to the Sub Court, Melur, Madurai District and the learned Subordinate Judge, Melur, Madurai District, is directed to dispose of the same on merits and in accordance with law.

6.With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge, Udumalaipettai,
Thiruppur District.

2.The Subordinate Judge,
Melur, Madurai District.

+1.CC. To Mr.T.Veerakumar, Advocate in SR No.96932

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and

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