



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.156 of 2016

and

C.M.P (MD) No.2690 of 2016

WEB COPY

S.Hema

... Petitioner

Vs.

S.Manthiramoorthy

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.190 of 2014 on the file of the Subordinate Judge at Udumalpet, Tiruppur District and transfer the same to Principal Subordinate Judge, Nagercoil, Kanyakumari District for disposal by allowing the present transfer civil miscellaneous petition.

For Petitioner : Mr.G.Aravinthan

For Respondent : No appearance

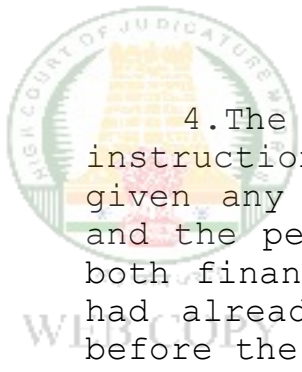
ORDER

The above Transfer Civil Miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.190 of 2014 on the file of the Sub Court, Udumalpet, Tiruppur District to the Principal Subordinate Court, Nagercoil, Kanyakumari District.

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.The facts in brief which are necessary for disposing the transfer civil miscellaneous petition are as follows:-

The marriage between the petitioner and the respondent took place on 19.11.2010 at Nagercoil, as per their custom. The petitioner and the respondent have been blessed with a male child, who is now aged about 8 years. The petitioner in her affidavit alleged that she had been subjected to lot of cruelty at the hands of the respondent and his family members. The petitioner has also initiated the proceedings under the Domestic Violence Act which is pending on the file of the learned Judicial Magistrate No.II, Nagercoil in M.C.No.23 of 2014. The respondent appears to have filed a petition seeking divorce in H.M.O.P.No.190 of 2014 on the file of the Subordinate Judge at Udumalpet, Tiruppur District.



4.The learned counsel appearing for the petitioner on instructions would submit that the respondent/husband has not given any maintenance either to the petitioner or his minor son and the petitioner is totally depending upon her aged parents for both financial and physical security. That apart, the respondent had already been attending the proceeding in M.C.No.23 of 2014 before the learned Judicial Magistrate No.II, Nagercoil.

5.In these circumstances and also considering the fact that the residence of the wife also confers the jurisdiction on the Principal Subordinate Judge, Nagercoil, the petition in H.M.O.P.No.190 of 2014 pending on the file of the Sub Court, Udumalpet, Tiruppur District, is ordered to be withdrawn and transferred to the file of learned Principal Subordinate Judge, Nagercoil, Kanyakumari District. The learned Subordinate Judge, Udumalpet, Tiruppur District, is directed to transmit the entire records in H.M.O.P.No.190 of 2014 to the Principal Sub Court, Nagercoil, Kanyakumari District and the learned Principal Subordinate Judge, Nagercoil, Kanyakumari District, is directed to dispose of the same on merits and in accordance with law.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Subordinate Judge,
Udumalpet,
Tiruppur District.

2.The Principal Subordinate Judge,
Nagercoil, Kanyakumari District.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-87198[F] dated 17/09/2019)

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