



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

TR.C.M.P (MD) No.480 of 2018

and

C.M.P. (MD) No.11116 of 2018

R.Mahadevi @ Savithiri

: Petitioner

Vs.

G.Sathiyacheelarajan

: Respondent

Prayer: Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in H.M.O.P.No.174 of 2017 on the file of the Sub Court, Srivilliputhur and transfer the same to the Sub-Court, Coimbatore.

For Petitioner : Ms.Mahalakshmi

For Respondent : No Appearance

ORDER

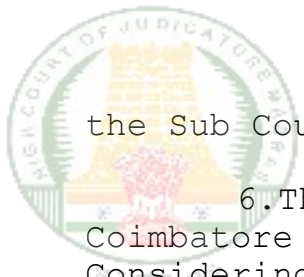
Despite notice being sent to the respondent, it is stated that the notice has been returned with an endorsement 'no such person in the address'.

2.However, the learned counsel appearing for the petitioner produced before this Court a copy of memo served on the counsel before the lower Court appearing for the respondent.

3.This transfer civil miscellaneous petition is filed by the wife to withdraw the proceedings in H.M.O.P.No.174 of 2017 on the file of the Sub Court, Srivilliputhur and to transfer the same to the Sub Court, Coimbatore.

4.The Marriage between the petitioner and the respondent took place on 27.11.2006. It is stated that the petitioner is also blessed with a female child, who is aged about 12 years and a male child, who is aged about 8 years.

5.The respondent has filed H.M.O.P.No.174 of 2017 before the Sub Court, Srivilliputhur for dissolution of marriage on the ground of cruelty. It is further stated that the respondent has earlier filed a petition in H.M.O.P.No.66 of 2014 before the Sub Court, Srivilliputhur for divorce and the same was transferred to the Sub Court, Kovilpatti, as per the order of this Court in transfer civil miscellaneous petition. However, the said petition was not prosecuted and the respondent has now filed fresh petition before



the Sub Court, Srivilliputhur in H.M.O.P.No.174 of 2017.

6.The petitioner as a lady living with two children at Coimbatore and the children are studying in school at Coimbatore. Considering the convenience of the wife and as per Section 19 of Hindu Marriage Act, the wife/petitioner can seek transfer of proceeding to the place, where she resides. It is not in dispute that the petition filed by the wife is pending before the Subordinate Court, Coimbatore.

7.In the facts and circumstances of the case and to ensure fair justice to the petitioner, this Court is inclined to allow this petition and the H.M.O.P.No.174 of 2017 is withdrawn from the Sub Court, Srivilliputhur, and the same is transferred to the Sub Court, Coimbatore for disposal on merits.

8. The learned Subordinate Judge, Srivilliputhur is directed to send the records of H.M.O.P.No.174 of 2017 to the file of the Sub Court, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.

9.The learned Subordinate Judge, Coimbatore after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.174 of 2017, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months.

10.In view of the above, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Srivilliputur.
Virudhunagar District.
- 2.The Subordinate Judge, Coimbatore.
- 3.The Section Officer, V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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DAS