



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P(MD)No.383 of 2017

and

C.M.P. (MD) No.7891 of 2017

M.Ponmari

... Petitioner/Respondent

Vs.

M.Muthukumar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the H.M.O.P.No.275 of 2017 on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondent : No appearance

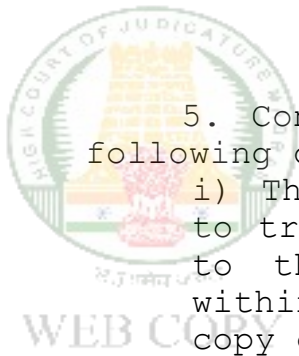
O R D E R

This Transfer Civil Miscellaneous Petition is filed by the wife seeking to transfer the proceedings for divorce filed by her husband in H.M.O.P.No.275 of 2017 from the file of the Sub Court, Tambaram to the file of the Family Court, Tirunelveli. Court. It is seen that the petitioner is residing at Ambasamudram, Tirunelveli District since desertion by the Husband.

2. Heard the learned counsel for the petitioner and there is no appearance for the respondent.

3. The petitioner would seek to have the proceedings transferred on the ground that she is residing in Ambasamudram and further the husband has not been giving her maintenance and she is totally depending on her parents. That apart, she has to travel a distance of about 600 kms to attend the hearing at Sub Court, Tambaram. It is also the case of the petitioner that she has been served with summons in H.M.O.P.No.275 of 2017 filed by her husband while she was in matrimonial home. It is her parents-in-law who have received notice on her behalf. The petitioner would therefore seek to have H.M.O.P transferred.

4. The reasons given by the petitioner seeking to have the proceedings transferred to the court at Sub Court, Ambasamudram are justified.



5. Considering the same, this Court is inclined to issue the following direction:

i) The learned Subordinate Judge, Tambaram, is directed to transmit the entire records in H.M.O.P.NO.275 of 2017 to the file of the Subordinate Court, Ambasamudram, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Ambasamudram, after obtaining the records on transfer, is directed to dispose of H.M.O.P.NO.275 of 2017 as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

CM

To

- 1.The Subordinate Judge, Tambaram
- 2.The Subordinate Judge, Ambasamudram

+1CC TO MR.H.ARUMUGAM, Advocate Sr. No. 91254

Tr.C.M.P(MD)No.383 of 2017

and

C.M.P. (MD) No.7891 of 2017

03.10.2019

PK(CO)

TR(22.10.2019) 2P 4C