

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.74 of 2020

C.Mythili

.. Petitioner

-vs-

B.Ravindran

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24r/w sec 151 of the Civil Procedure Code, to withdraw the H.M.O.P.No.57 of 2019 on the file of the Sub Court, Gudalur and transfer the same to the Family Court at Coimbatore.

For Petitioner :: Mr.U.Kathiravan

For Respondent :: Mr.S.Senthilvel

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.C.Mythili, who married Mr.B.Ravindran, the respondent herein at Gudalur, has come to this Court seeking an order to withdraw the H.M.O.P.No.57 of 2019 from the Sub Court, Gudalur and transfer the same to the Family Court at Coimbatore.

3. Learned counsel appearing for the petitioner submitted that after the solemnization of marriage on 23.8.2018 at Gudalur in accordance with the Hindu rites and customs, they were living together at the respondent's residence in Pazhanisamy Nagar, Coimbatore till June, 2019 and thereafter, they moved to K.G.Apartments, Coimbatore. Subsequently, the respondent started ignoring the petitioner and also stopped visiting the petitioner's home in K.G.Apartments, Coimbatore. When the petitioner questioned, the respondent gave lame excuses. Finally, the respondent filed the H.M.O.P.No.57 of 2019 before the Sub Court, Gudalur seeking divorce against the petitioner with all false allegations against her. When the petitioner is residing at Coimbatore, she does not want to go to Gudalur to contest the case in H.M.O.P.No.57 of 2019, as it will be very difficult to undertake a long journey from Coimbatore to

Gudalur. Therefore, the matter may be transferred. He has also further stated that the respondent has been paying rent for the K.G.Apartments, Coimbatore, where they were living together before they parted with. Hence, the transfer petition may be allowed.

4. Opposing the above prayer, learned counsel for the respondent submitted that the respondent is a practising lawyer at Coimbatore. After parting with, knowing pretty well that the petitioner is residing with her parents, as she is not residing in Coimbatore for the past two years, the respondent has rightly filed the H.M.O.P.No.57 of 2019 at the petitioner's place for her convenience, so that she can appear at Gudalur, which is her native. It is also stated that the respondent is not paying any rent, as he has vacated from the K.G.Apartments, Coimbatore long time ago. Finally, it is also stated that only to damage the image of the respondent, the petitioner wants to bring the case to the Family Court at Coimbatore. As a matter of fact, when the Gudalur Court has got jurisdiction to try the case, it cannot be transferred to the Family Court at Coimbatore.

5. Having heard learned counsel for the parties, this Court is able to see that the respondent has got the right to file the H.M.O.P.No.57 of 2019 before the Sub Court, Gudalur, which is the native place of the petitioner. Hence, this Court is unable to find any justification on the part of the petitioner to make a submission that the matter pending on the file of the Sub Court, Gudalur may be transferred to the Family Court at Coimbatore. Therefore, finding no merits whatsoever in the prayer, the transfer civil miscellaneous petition stands dismissed. Consequently, C.M.P.No.2474 of 2020 is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Subordinate Judge
Gudalur.

Tr.C.M.P.No.74 of 2020

A.SK(10/09/2020)

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