

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.07.2020
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.132 of 2020

Sandhiya .. Petitioner

Versus

J.Agilan .. Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.132 of 2019 pending on the file of Sub-Court, Omalur, and to transfer the same to the file of Sub-Court, Harur, Dharamapuri District.

For Petitioner : Mr.J.Pradeep

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. Mrs.Sandhiya/petitioner herein, wife of Mr.J.Agilan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.132 of 2019 from the file of learned Sub-Court, Omalur, to the file of learned Sub-Court, Harur, Krishnagiri District. The above said HMOP was filed by the respondent/husband seeking for dissolution of marriage.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 02.11.2017 at Sri Someshwarar Somasundari Temple, Buddireddipatty, in the presence of well-wishers of both family. After the marriage, they were lived together only for a period of two years. At the time of marriage, the petitioner/wife was deaf and the respondent/husband was physically challenged person and knowing pretty well that she was deaf, the marriage was solemnized. But, after the marriage, the respondent/husband started neglecting the petitioner/wife on the ground that she was deaf. Finally, the respondent/husband has instituted H.M.O.P.No.132 of 2019 on the file of learned Sub-Court, Omalur, seeking for

dissolution of marriage. It is further submitted that the distance between Omalur and the place of residence of the petitioner/wife is more than 100 kms., and therefore, it is not feasible for her to undertake such a long journey as she does not have anyone to accompany her to attend the court proceedings at Omalur and on this basis, he has prayed for transferring the case filed by the husband to the file of learned Sub-Court, Harur, Dharmapuri District.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Sub-Court, Harur, Dharmapuri District. Secondly, the petitioner is residing now with her parents at Adhigarapatti Village, Dharmapuri District, and therefore, it will be difficult for her to undertake a long journey from the place of her residence to Omalur, which is more than 100 kms., to attend each and every hearing. Therefore, considering the balance of convenience in favour of wife, H.M.O.P.No.132 of 2019 filed by the husband is withdrawn from the file of learned Sub-Court, Omalur, consequently, transferred to the file of learned Sub-Court, Harur, Dharmapuri District. On such transfer, learned Sub-Court, Harur, Dharmapuri District, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected civil miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Subordinate Judge,
Omalur

2.The Subordinate Judge,
Dharmapuri District
Harur

Tr.C.M.P.No.132 of 2020

aa10/09/2020