

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.464 of 2020

Ilakkiya

W/o Subramanya Dhivakar

..Petitioner/Respondent in
HMOP (SR) No.525/2020

-vs-

Subramanya Dhivakar

S/o B.Thirumalai

..Respondent/Petitioner in
HMOP (SR) No.525/2020

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.(SR)No.525 of 2020 on the file of the Additional Sub Court, Kallakurichi, and transfer the same to the Family Court at Villupuram.

For Petitioner :: Mr.J.Harikrishnan for
M/s N.Mahendra Babu

For Respondent :: No appearance

ORDER

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

2. The petitioner, Mrs.Ilakkiya, Wife of Mr.Subramanya Dhivakar, the respondent herein married the respondent on 13.9.2019 at VSP Papathiyammal Thirumana Mandapam, Salem Main Road, Kallakurichi, as per the Hindu rites and customs. Thereafter, her husband's attitude, it is pleaded, has changed. Finally, he has filed the H.M.O.P.(SR)No.525 of 2020 on the file of the Additional Sub Court, Kallakurichi for divorce against the petitioner on the wrong guidance of his parents as well as his relatives. The petitioner's parents are residing in Ulundurpet, which is 20 Kms., away from Kallakurichi and the petitioner is now residing with her maternal uncle in Villupuram and preparing for the competitive examination. As the distance from Villupuram to Kallakurichi is about 30 Kms., the petitioner has been advised to come to this Court seeking withdrawal and transfer of the H.M.O.P.(SR) No.525 of 2020 from the file of the

Additional Sub Court, Kallakurichi to the file of the Family Court at Villupuram.

3. But this Court is not inclined to entertain the transfer civil miscellaneous petition, for two reasons. Firstly, the notice in the interlocutory application in H.M.O.P.(SR) No.525 of 2020 has been only issued. Secondly, the distance between the parental house of the petitioner at Ulundurpet and Kallakurichi is about 20 Kms., and the distance from Villupuram to Kallakurichi is about 30 Kms. As the petitioner can easily travel a distance of 30 Kms., in less than 30 minutes by road, this Court is not able to find any justification at all in the prayer. Accordingly, the transfer civil miscellaneous petition stands dismissed. Consequently, C.M.P.No.11151 of 2020 is also dismissed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

The Additional Subordinate Judge
Kallakurichi.

Tr.C.M.P.No.464 of 2020

rr ii (03/12/2020)

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