

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

Tr.C.M.P.No.440 of 2016

and M.P.No.1 of 2016

Ramya @ Ramyadevi

... Petitioner

Vs.

Murugan @ Mohan

... Respondent

Petition filed under Section 24 of the Code of Civil Procedure to order withdrawal of H.M.O.P.No.398 of 2015 pending on the file of the Principal Subordinate Court, Tiruppur and transfer the same to the Sub Court, Theni.

For Petitioner : Mr.P.Anand for M/s.V.Balaji

For Respondent : No appearance

O R D E R

The petitioner - wife has filed the above Transfer Civil Miscellaneous Petition to withdraw the petition in H.M.O.P.No.398 of 2015 pending on the file of the Principal Subordinate Court, Tiruppur and transfer the same to the file of the Sub Court, Theni, where she is residing.

2.The respondent - husband filed the Original Petition in H.M.O.P.No.398 of 2015 for divorce on the ground of cruelty.

3.It is the case of the petitioner that she is residing at Chinnamanur, Theni District, whereas the respondent - husband, who is residing at Tiruppur, has filed the Original Petition at Principal Sub Court, Tiruppur. Further, the petitioner has stated that since the distance between Chinnamanur and Tiruppur is more than 400 kms, she is finding it difficult to appear before the Principal Sub Court, Tiruppur and give instructions to her counsel.

4.Though the petitioner has effected paper publication in respect of the respondent and his name has been printed in the cause list, none appeared for him.

5.The Transfer Civil Miscellaneous Petition was filed in the year 2016 and an order of stay was also granted. Since the petitioner - wife has explained the reasons for transferring the Original Petition from the file of the Principal Sub Court, Tiruppur to the file of the Sub Court, Theni and also that she is residing at Chinnamanur, Theni District, I am of the view that the Original Petition should be transferred to the file of the Sub Court, Theni. Accordingly, the Original Petition in H.M.O.P.No.398 of 2015 on the file of the Principal Sub Court, Tiruppur is withdrawn and transferred to the file of the Sub Court, Theni. The Principal Sub Judge, Tiruppur is directed to despatch the papers to the Sub Court, Theni, within one week from the date of receipt of a copy of this order. On receipt of the papers from the Principal Sub Court, Tiruppur, the Sub Judge, Theni is directed to re-number the H.M.O.P.No398 of 2015 and dispose of the same on merits and in accordance with law within a period of four months from the date of receipt of the papers from the Principal Sub Court, Tiruppur.

6.With these observations, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/
Sub Asst. Registrar

va

To

1.The Principal Subordinate Judge,
Tiruppur

2.The Subordinate Judge
Theni.

+1 cc to Mr.V.Balaji Advocate sr18916

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