

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.912 of 2019

M.Selvarani

.. Petitioner

Versus

A.Sivagnanam

...Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.4 of 2018 pending on the file of Sub-Court, Perambalur, and transfer the same to the file of Sub-Court, Lalgudi.

Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code to grant stay to all further proceedings in HMOP.No.04 of 2018 on the file of Sub-Court Perambalur.

For Petitioner : No Appearance

For Respondent : Mr.S.Janarthanan

O R D E R

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

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.4 of 2018 from the file of learned Sub-Court, Perambalur, to the file of learned Sub-Court, Lalgudi. The above said HMOP was filed by the respondent/husband seeking for divorce.

3. It is stated in the affidavit filed in support of this transfer petition that the petitioner and the respondent are divorcees and they contracted the second marriage on 22.05.2013. However, since the respondent has involved in drunken activities, the petitioner/wife left from the matrimonial home and thereafter, she has also filed maintenance case in M.C.No.20 of 2017 before the learned Chief Judicial

Magistrate, Perambalur. Whiles, all of a sudden, the respondent/husband has filed the above said HMOP seeking for divorce before the learned Sub-Court, Perambalur. Therefore, since there is a life threat, the said case filed by the husband may be transferred to the file of learned Sub-Court, Lalgudi.

4. Learned counsel for the respondent/husband, heavily objecting the transfer of HMOP pending on the file of learned Sub-Court, Perambalur, argued that the distance between Lalgudi and Perambalur is only 40 kms. and therefore, through the public transport, the petitioner/wife can reach Perambalur within 30 minutes. It is further argued that since the maintenance case filed by the wife is also pending before the learned Chief Judicial Magistrate, Perambalur, she can very well come to Perambalur to attend the hearing of HMOP filed by the husband. Hence, the prayer of the petitioner/wife seeking to transfer HMOP filed by the husband is liable to be rejected, as the distance is only 40 kms. from Lalgudi to Perambalur, he pleaded.

5. Considering the fact that the maintenance case filed by the petitioner/wife in M.C.No.20 of 2017 is also pending before the learned Chief Judicial Magistrate, Perambalur, and also considering the fact that the distance between Lalgudi and Perambalur is only 40 kms., which can be reached within 30 minutes in public transport, for the balance of convenience of parties, this Court is not inclined to entertain the prayer of the petitioner/wife seeking to transfer the HMOP filed by the husband from the file of learned Sub-Court, Perambalur, to the file of learned Sub-Court, Lalgudi. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed as devoid of any merit. Consequently, C.M.P.No.24862 of 2019 is closed.

Sd/-

Asst.Registrar (CO)

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Sub Asst. Registrar

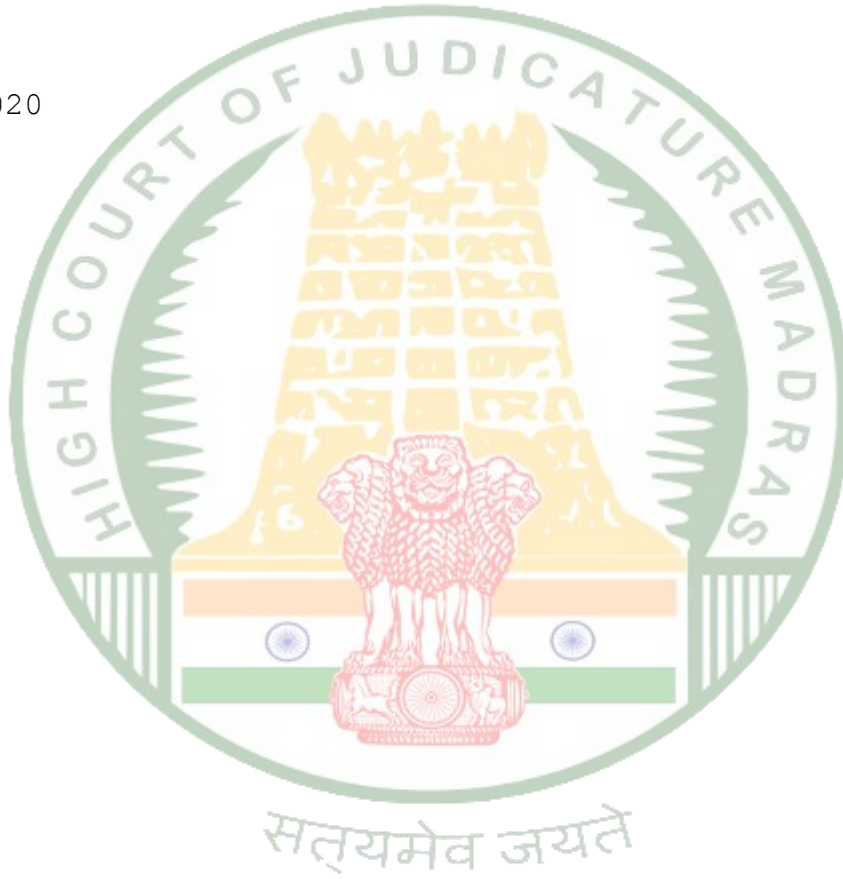
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To

1. Sub-Court, Lalgudi.
2. Sub-Court, Perambalur.

Tr.C.M.P.No.912 of 2019

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