

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

Tr.C.M.P.No.565 of 2017
and C.M.P.No.11753 of 2017

P.Anitha

... Petitioner

Vs.

R.Manickkam

... Respondent

Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Arani and transfer the same to the Subordinate Court, Pollachi.

For Petitioner : Mr.N.Ponraj

For Respondent : No appearance

O R D E R

The petitioner, who is the wife of the respondent, has filed the above Transfer Civil Miscellaneous Petition to withdraw the Original Petition in H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Arani and to transfer the same to the file of the Subordinate Court, Pollachi.

2.Though the notice sent to the respondent has been duly served and his name has been printed in the cause list, none appeared for him. That apart, the notice sent to the respondent through his trial Court counsel was also duly served on him.

3.In the affidavit filed in support of the petition, the petitioner has stated that she is residing at Pollachi and therefore, she is finding it very difficult to travel all along from Pollachi to Arani to attend the hearings in H.M.O.P.No.55 of 2017.

4.On a perusal of the Original Petition filed by the respondent in H.M.O.P.No.55 of 2017, which was filed by him for restitution of conjugal rights, it is clear that the respondent himself has mentioned the petitioner's address at Pollachi. When the petitioner is residing at Pollachi, the respondent should have filed the Original Petition only at Pollachi and not at Arani. The distance between Pollachi and Arani is more than 400 kms. In these circumstances, I am of the view that in the interest of justice, the Original Petition in H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Arani should be withdrawn and transferred to the file of the Subordinate Court, Pollachi. Accordingly, the Original Petition in H.M.O.P.No.55 of 2017 pending on the file of the Subordinate Court, Arani is withdrawn and transferred to the file of the Subordinate Court, Pollachi.

The Subordinate Judge, Arani is directed to despatch the papers to the Subordinate Court, Pollachi, within ten days from the date of receipt of a copy of this order. On receipt of the papers, the Subordinate Judge, Pollachi is directed to re-number the H.M.O.P.No55 of 2017 and dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of the papers from the Subordinate Court, Arani.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

va
To

1.The Subordinate Judge,
Arani

2.The Subordinate Judge,
Pollachi.

3. The Section Officer,
VR Section,
High Court,Madras

Tr.C.M.P.No.565 of 2017
and C.M.P.No.11753 of 2017

A.SK(28/05/2020)

सत्यमेव जयते

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