



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.539 of 2019

and

C.M.P(MD) No.12508 of 2019

Kanagapriya

... Petitioner/Respondent

-Vs-

Sureshkumar

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., r/w Order Rule 1(2) of CPC., to withdraw the H.M.O.P.No.184 of 2019 pending on the file of the Principal Sub Court, Thenkasi and transfer the same to the file of the Sub Court, Srivilliputhur, Virudhunagar District by appreciating the above said facts and circumstances of the case.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.A.Mohamed Haneef
for Mr.D.Venkatesh

O R D E R

The petitioner/wife, who is facing the proceedings for divorce under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act before the Principal Sub Court, Tenkasi, seeks transfer of the said proceedings to Sub Court, Srivilliputhur, Virudhunagar District. The transfer is sought for mainly on the ground of convenience of the wife who is a resident of Rajapalayam, which is nearer to Srivilliputhur.

2. This request is opposed by the husband contending that the inconvenience caused to him by the transfer will be more than the convenience that access to the wife. According to him, if the proceedings are transferred to Family Court, Srivilliputhur he will be forced to attend every hearing. This will affect his service as a Doctor at ESI Nursing Home at Sivakasi.

3. Considering the totality of the circumstances, I am of the opinion that the H.M.O.P.No.184 of 2019 can be transferred to the file of Sub Court, Sivakasi which will be convenient for both



parties since the presence of the parties is not required for every hearing. Admittedly, the husband is working as a Government Doctor in ESI Nursing Home at Sivakasi and therefore, it will be convenient for him to attend the hearing at Sivakasi.

4. Hence, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.184 of 2019 is withdrawn from the file of the Sub Court, Tenkasi and transferred to the file of Sub Court, Sivkasi for being disposed of in accordance with law. The Sub-Court, Tenkasi is directed to transmit the papers to the Sub-Court, Sivakasi, forthwith. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Principal Subordinate Judge, Tenkasi.

2. The Subordinate Judge, Sivakasi.

Copy to:

The Record Keeper, V.R.Section, (2 Copies)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-3281[F] dated 28/01/2020)

+1 CC to M/s.P.SAMUVEL GUNASINGH, Advocate (SR-3538[F] dated 29/01/2020)

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JMN(07.02.2020) 2P : 7C