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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 17.09.2021

Pronounced on : 22.11.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

Tr.C.M.P.No.145 of 2021
and C.M.P.No.4293 of 2021

S.Leendha ... Petitioner
Versus

Sathurmugam ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.92 of 2020 from the file of the Sub-Court, Panruti, Cuddalore District and transfer the file of the Sub-Court, Tindivanam, Villupuram District.

For Petitioner : Mr. J. James

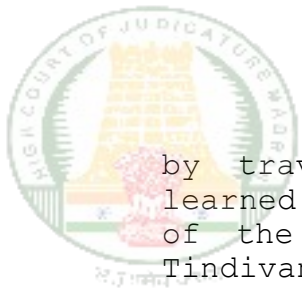
For Respondent : Mr. A. M. Rahamath Ali

ORDER

[The Case has been heard through video conference]

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.92 of 2020 from the file of the Sub-Court, Panruti, Cuddalore District and transfer the same to the file of the Sub-Court, Tindivanam, Villupuram District.

2.The learned counsel for the petitioner submitted that the petitioner and the respondent are wife and husband and out of their wedlock, two sons were born. Thereafter, matrimonial dispute arose between them and the respondent/husband filed H.M.O.P.No.92 of 2020 on the file of the Subordinate Judge, Panruti, for divorce on the ground of desertion. He also submitted that since the petitioner depends upon her poor parents and has no source of income and also she is a deserted woman, she is unable to attend the Court proceedings all along



by travelling from Tindivanam to Panruti. Therefore, the learned counsel sought for transfer of the case from the file of the Sub-Court, Panruti to the file of the Sub-Court, Tindivanam.

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3. The learned counsel appearing for the respondent submitted that the petitioner right from the beginning of marriage, has been ill-treating the respondent by calling him as a TB patient and she is mis-treating his aged mother and restricted his sisters to visit home and always picking up quarrels. He further submitted that since the respondent was having own residence at Panruti, he requested the petitioner to stay at Panruti but the petitioner quarreled and lodged a complaint in All Women Police Station, Tindivanam and later on the advise of police, he stayed along with the petitioner at Tindivanam and after some days again the petitioner started quarreling and expelled the respondent from the house and threatened him not to visit the house. He also submitted that the petitioner once again lodged a police complaint against the respondent and his two sisters and started torturing him which constrained the respondent to file HMOP for divorce. Therefore, the learned counsel appearing for the respondent submitted that the health condition of the respondent would not permit him to travel and attend the Court proceedings at Tindivanam. Hence, he sought for dismissal of this petition.

4. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

5. Admittedly, there was matrimonial dispute arose between the parties which prompted the respondent to file HMOP for divorce. It is not in dispute that the respondent was a TB patient and his health condition is getting deteriorated and he has to look after his aged mother who was bed ridden. It appears that the petitioner often approaching the police and lodging complaint against the respondent. It is also admitted fact that the petitioner has been residing separately along with her parents. Though, generally in the matter of seeking transfer of cases preference would be given to the women, but considering the facts and circumstances wherein the respondent has to look after his aged mother who is aged 76 and bed ridden, this Court feels it appropriate to direct the Sub-Court, Panruti not to insist upon the personal appearance of the petitioner/wife except during the enquiry stage or any day, her personal appearance is required.

6. Accordingly, with the above observation, this Transfer Civil Miscellaneous Petition is dismissed. However, the respondent is directed to pay all the travel and stay expenses of the petitioner and her companion for each and every



occasion when she is required to attend the Court at Panruti.
No costs. Consequently, connected miscellaneous petition is
closed.

gbi

Sd/-
Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

To:

1.The Sub-Judge,
Panruti,
Cuddalore District.

2.The Sub-Judge,
Tindivanam,
Villupuram District.

+1 cc to Mr.J.James, Advocate Sr.NO.30831

+1 cc to Mr.A. M. Rahamath Ali, Advocate Sr.NO. 60352

Tr.C.M.P.No.145 of 2021

VBM(CO)

A.SK(03.12.2021)