



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.196 of 2021

1. Mrs. Devi @ Deivakanni
 2. Miss.S.Sensudar @ Nakshal Bhari
 3. S.Bakatsingh
- ... Petitioners

-vs-

C. Selvam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.53 of 2019 from the file of Sub-Court, Gingee, Villupuram District to Sub-Court, Poonamallee to have joint trial with O.S.No.393 of 2020 pending therein.

For Petitioners : Mr.N.Nagu Sah

For Respondent : Mr.I.Rathinavel

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the HMOP.No.53 of 2019 from the file of Sub-Court, Gingee, Villupuram District to Sub-Court, Poonamallee.

2. The respondent/husband has filed H.M.O.P.No.53 of 2019 before the Sub-Court, Gingee, Villupuram District for divorce. The petitioner/wife has filed the a suit in OS.No.393 of 2020 before the Subordinate Court, Poonamallee for maintenance.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her male and female children at Thirunindravoor. The distance between Thirunindravoor to Gingee is around 170 kms. He would further submit that if the petitioner attends the Court hearing at Gingee, there would be life threat at the hands of the respondent. She has no income and so, she is unable to go to Gingee on monetary, safety and health grounds. Moreover, the petitioner has no source of income. In this circumstance, it is difficult for the petitioner to travel from Gingee to Poonamallee for attending the Court



hearing in H.M.O.P.No.53 of 2019. Hence, she prays to transfer the case to Sub-Court, Poonamallee, to have joint Trial with OS.No.393 of 2020.

4. The learned counsel for the respondent/husband has strongly opposed to transfer the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any center place.

5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

6.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.53 of 2019 is withdrawn from the Sub-Court, Gingee, Villupuram District and transferred to the file of Sub-Court, Poonamallee, for disposal as per law. The learned Subordinate Judge, Gingee, is directed to transmit the papers to the file of the Sub-Court, Poonamallee, forthwith. The learned Sub-Court, Poonamallee, is directed to dispose of the proceedings in H.M.O.P.No.53 of 2019 on merits and in accordance with law as expeditiously as possible.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gv

To

1. The Sub-Judge,
Gingee,
Villupuram District.
2. The Sub-Judge,
Poonamallee.

+1cc to Mr.N.Nagu Sah, Advocate, S.R.No.37868

Tr.C.M.P.No.196 of 2021

GP(CO)
HS(24/08/2021)