



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.233 of 2021
and C.M.P. No.6437 of 2021

M.Jayashree

.. Petitioner

Vs

G.Prabhakaran

.. Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP. No.26 of 2021 from the file of the Subordinate Judge, Sivakasi and transfer the same to the Subordinate Judge, Poonamallee.

For Petitioner : M/s.R.Radha Pandian

For Respondent : Mr.S.M.Anantha Murugan

O R D E R

This petition is filed by the petitioner wife seeking to withdraw the proceedings in HMOP No.26 of 2021 on the file of Subordinate Court, Sivakasi and transfer the same to Subordinate Court, Poonamallee.

2.The marriage between the petitioner and the respondent was solemnized on 01.09.2013 at Sengamalanachiarapuram, Virudhunagar District. The case of the petitioner is that she was driven out from the matrimonial home, even though she was blessed with a male child out of wedlock. The petitioner states that the respondent has filed the petition for divorce before the Subordinate Court, Sivakasi in HMOP No.26 of 2021. It is stated that the petitioner is a native of Ambattur, Chennai and that her parents are living only in Chennai. It is the case of the petitioner that she has no one in the family to accompany her to Sivakasi to attend the hearings. She also states that due to her bad economic situation, travelling to Sivakasi will be not only be a burden but also inconvenient in terms of several factors. Though this petition is opposed by the learned counsel for the respondent, he has nothing to indicate any special circumstances as to the inconvenience that will be caused to respondent if the proceedings are tried by Sub Court, Poonamallee.



3. In a petition filed by the husband for divorce, the convenience of the wife will be relevant. The petitioner wife is having a child. Since the petitioner also states that she is without any employment, this Court is of the view that the petitioner will get fair opportunity to defend the case only if the proceedings is transferred to Subordinate Court, Poonamallee.

4. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is inclined to pass the following order:

The proceedings in HMOP No.26 of 2021 on the file of the Subordinate Court, Sivakasi, are hereby withdrawn and transferred to the Subordinate Court, Poonamallee. The learned Subordinate Judge, Poonamallee is directed to dispose of the matrimonial petition as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. In case the petitioner fails to appear for two or more consecutive hearings, the respondent will have an option to seek re-transfer of the case.

5. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Subordinate Judge, Sivakasi.
2. The Subordinate Judge, Poonamallee.

+1 CC to Mr.R. Radha Pandian, Advocate sr 35637.

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LN(CO)
SP(19/08/2021)