



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.235 of 2021
and
C.M.P. No.6440 of 2021

S.Mahesh Ananthy

.. Petitioner

Vs

P.Kannan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No.122 of 2020 on the file of the Sub-Court, Pudukottai and to transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr. M.Jayaraman and Associates
For Respondent : No appearance

O R D E R

Though notice was served on the respondent as early as on 27.04.2021, there is no representation on behalf of the respondent. Hence this Court is inclined to dispose of the matter on merits.

2. This petition is filed to withdraw H.M.O.P. No.122 of 2020 from Sub Court, Pudukottai and to transfer the same to the Family Court, Coimbatore. The petitioner is the wife. The marriage between the petitioner and wife was solemnized on 23.01.2015. The respondent husband filed a petition for divorce in H.M.O.P. No.122 of 2020 on the file of Sub Court, Pudukottai, under Section 13(1) (i-a) and (i-b) of Hindu Marriage Act. It is stated by the learned counsel for the petitioner that the petitioner is currently working and residing at Valparai, with her 5 year old child. Her aged parents are residing at Madurai District. Learned counsel for the petitioner further submits that the petitioner who has no support from his family, is unable to attend the hearing of the case along with her minor child. Since the distance between Coimbatore and Pudukottai is more than 350 Kms, the petitioner seeks withdrawal and transfer of the case from Principal Sub Court, Pudukottai to Family Court, Coimbatore, mainly on the ground of convenience.



3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by travelling such a long distance. Hence this Court is inclined to allow this petition. Accordingly, H.M.O.P. No.122 of 2020 pending on the file of the Principal Sub Judge, Pudukottai, is hereby withdrawn and transferred to Family Court, Coimbatore.

4. This transfer civil miscellaneous petition is thus allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Sub Judge, Pudukottai.

2. The Family Court, Coimbatore.

Tr. C.M.P. No.235 of 2021

GSM(CO)
SP(20/07/2021)