



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.348 of 2021

and

C.M.P.No.8160 of 2021

[Through video conferencing]

A.Kalaimagal

...Petitioner

-vs-

K.Sasikumar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.85 of 2019 pending before the file of the Subordinate Court, Cheyyar and transfer the same to the Subordinate Court, Tindivanam.

For Petitioner : Mr.G.Kartheeban

For Respondent : Mr.B.Jawahar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.85 of 2019 pending before the file of the Subordinate Court, Cheyyar and transfer the same to the Subordinate Court, Tindivanam.

2.The respondent/husband has filed H.M.O.P.No.85 of 2019 before the Subordinate Court at Cheyyar for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a female child aged about 5 years and she is residing with her parents house at a rural village. The distance between her rural village and Cheyyar is around 35 kms and if the petitioner attends the Court hearing at Cheyyar, there would be life threat at the hands of the respondent. Moreover, the petitioner is depending on her aged parents and also the petitioner is being a lady she could not travel alone, and in this circumstances, it is very difficult for the



petitioner to travel from her rural village to Cheyyar for attending the Court on every hearings in H.M.O.P.No.85 of 2019. He would further submit that in H.M.O.P.No.85 of 2019, an ex-parte order was passed by the Sub Judge at Cheyyar on 13.03.2020 due to non appearance of the petitioner and thereafter filed a proper petition to set aside the ex-parte order. However, he seeks to transfer the case from the file of the Subordinate Court at Cheyyar to the file of the Subordinate Court at Tindivanam.

4.The learned counsel for the respondent/husband submitted that already an ex-parte order order was passed on 13.03.2020 and hence, he would strongly oppose to transfer the case from the file of the Subordinate Court, Cheyyar to the file of the Subordinate Court, Tindivanam.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the facts and circumstances of the case and the submissions made by both the learned counsel, and also considering the fact that already an ex-parte order was passed in H.M.O.P.No.85 of 2019 by the learned Sub Judge, Cheyyar on 13.03.2020, this Court is not inclined to transfer the case to the file of the Subordinate Court at Tindivanam.

7.Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ssi

To:

1. The Subordinate Judge, Cheyyar.
2. The Subordinate Judge, Tindivanam.

Tr.C.M.P.No.348 of 2021  
and C.M.P.No.8160 of 2021

NK(CO)  
RGA(31/08/2021)