



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.345 of 2021
and
C.M.P. No.8135 of 2021

B.Divya

...Petitioner

Versus

V.Dinesh Iyappan

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No.83/2020 pending on the file of learned Sub Court, Mayiladuthurai and transfer the same to the Sub Court, Mannargudi.

For Petitioner : Mr. B.Jawahar
For Respondent : No appearance

O R D E R

Despite notice having been served on respondent as early as on 10.05.2021, no one entered appearance on behalf of the respondent. Since sufficient opportunity has already been given to the respondent, this Court proceeds further to dispose of this petition on the basis of averments made in this petition. The respondent is set ex-parte.

2. This petition is filed to withdraw the H.M.O.P. No.83/2020 pending on the file of Sub Court, Mayiladuthurai and transfer the same to the Sub Court, Mannargudi. The petitioner is the wife. The marriage between the petitioner and the respondent husband was solemnized on 22.11.2019. It is the case of the petitioner that after the marriage, the respondent wilfully refused to have cohabitation and that the petitioner was put to harassment. The respondent husband filed a petition for divorce in H.M.O.P. No.83 of 2020 before the Principal Sub Court, Mayiladuthurai. Though several allegations are made in the affidavit filed in support of this petition, the transfer is sought purely on the ground of convenience.

3. Since the respondent has not appeared before this Court to respond to the allegations and the facts stated by the petitioner in the affidavit, this Court has no other alternative



but to presume that the husband has no case in defence or has nothing to contradict the allegations made in the affidavit filed in support of this petition at least regarding transfer. In a petition filed by the husband for divorce, the convenience of wife is relevant. The petitioner wife should not be put to much inconvenience by travelling such a long distance to defend the case. Hence this Court is inclined to allow this petition. Accordingly, the proceedings in H.M.O.P. No.83/2020 pending on the file of Sub Court, Mayiladuthurai are hereby withdrawn and transferred to the Sub Court, Mannargudi.

4. This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Sub Court, Mayiladuthurai.

2. The Sub Court, Mannargudi.

+1 CC to M/s.B.Jawahar, Sr 29884.

Tr. C.M.P. No.345 of 2021

SSN(CO)
LS(06/08/2021)