



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.384 of 2021
and
CMP No.8860 of 2021

M.Dhivya

...Petitioner/Respondent

Vs

S.Sundaraganapathy

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw HMOP No.113 of 2020 from the file of the Principal Subordinate Court, Thiruvarur and transfer the same to the Principal Sub Court, Mayiladuthurai.

For Petitioner : Mr.Shivakumar for
Mr.K.M.Vijayan Associates

For Respondent : Mr.T.Balachander

O R D E R

The wife seeks transfer of proceedings in HMOP No.113 of 2020 filed by the husband at Principal Subordinate Court, Thiruvarur to the Principle Sub Court, Mayiladuthurai.

2. The husband seeks divorce on the ground of cruelty. The husband is admittedly a resident of Singapore and he is represented by his father as a Power of Attorney in the proceedings. The transfer is sought for mainly on the ground of convenience, particularly on the ground that she is a feeding mother and she cannot travel long for every hearing to attend the proceedings in HMOP No.113 of 2020 pending before the Principal Subordinate Court, Thiruvarur. No doubt, the wife seems to be a vengeful litigant as she has also launched proceedings under the Domestic Violence Act, under Section 498 A of I.P.C., against the husband and his relatives which are said to be pending at Mayiladuthurai, however, since the respondent/husband is a resident of Singapore and he is represented by his father and considering the fact that the wife is a feeding mother, I am of the opinion that the HMOP can be



transferred to the Sub Court, Mayiladuthurai in the interest of the child, though the conduct of the wife does not deserve such transfer.

3. In view of the above, the proceedings in HMOP No.113 of 2020 pending on the file of the Principal Subordinate Court, Thiruvarur are withdrawn and transferred to the Principal Subordinate Court, Mayiladuthurai. The Principal Sub Court, Mayiladuthurai is required to dispose of the HMOP No.113 of 2020 within a period of one year from the date of receipt of papers from the Principal Sub Court, Thiruvarur. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Principal Subordinate Judge,
Thiruvarur.
2. The Principal Subordinate Judge,
Mayiladuthurai.

+1cc to M/s.K.M.Vijayan Associates, Advocate, S.R.No.57520

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NSK 25/11/2021