



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.389 of 2021
and C.M.P.No.9000 of 2021

M.Kalpana

.. Petitioner

Vs.

R.Muruganantham

.. Respondent

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case in H.M.O.P.No.25 of 2021 pending on the file of the Sub Court, Tittagudi and transfer the same to the file of the Sub Court, Palani.

For Petitioner : Mr.S.Vijayakumar

For Respondent : No appearance

O R D E R

(The case has been heard through video conference)

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer H.M.O.P.No.25 of 2021, filed by the respondent for divorce, which is pending on the file of the Sub Court, Tittagudi to the file of the Sub Court, Palani.

2. The learned counsel appearing for the petitioner submitted that the petitioner is presently working at Palani and now she finds it very difficult to travel from Palani to Tittagudi for attending the Court on every hearings in H.M.O.P.No.25 of 2021. It is further submitted as the petitioner has filed a criminal case under the Domestic Violence Act against the respondent, she apprehend she might be attacked if she goes to Tittagudi. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Sub Court, Tittagudi to the file of the Sub Court, Palani.

3. It is seen from the records that notice has been served on the respondent through Court on 25.06.2021 and though his name appears in the cause list, he did not appear either in



person or through any counsel. Hence, this Court proceeds to pass orders on merit.

4. It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the wife. Hence, considering the facts and circumstance of the case, this Court is inclined to withdraw the H.M.O.P.No.25 of 2021 from the file of the Sub Court, Tittagudi and transfer the same to the file of the Sub Court, Palani. The learned Subordinate Judge, Tittagudi is directed to transmit the papers pertaining to H.M.O.P.No.25 of 2021 to the file of the Sub Court, Palani, forthwith. The learned Subordinate Judge, Palani, is directed to dispose of the case in H.M.O.P.No.25 of 2021 on merits and in accordance with law as expeditiously as possible.

5. In fine, this Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kk

To

1.The Subordinate Judge, Tittagudi.

2. The Subordinate Judge, Palani.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.41529

Tr.C.M.P.No.389 of 2021
and C.M.P.No.9000 of 2021

RSV(CO)
CT(20/09/2021)