

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2021

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THE HONOURABLE Mrs. JUSTICE S.KANNAMMAL

Transfer Civil Miscellaneous Petition No.434 of 2021

and

C.M.P.No.11193 of 2021

N.Dhanushree
W/o.Jyothi Prakash

...Petitioner

Vs.

R.Jyothi Prakash
S/o.Ramalingam

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed u/s.24 of the Code of Civil Procedure praying to withdraw H.M.O.P.No.128 of 2017 on the file of Subordinate Court, Arani, Tiruvannamalai District and transfer the same to the file of Subordinate Court, Gudiyattam, Vellore District.

For Petitioner : Mr.K.A.Ravindran

For Respondent : Ms.Premalatha

ORDER

This petition has been filed seeking transfer of H.M.O.P.No.128 of 2017, pending on the file of Subordinate Court, Arani, Tiruvannamalai District, to the file of Subordinate Court, Gudiyattam, Vellore District.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. Learned counsel for the petitioner/husband submits that the marriage between the petitioner and the respondent was solemnized on 07.06.2015 and out of the wedlock, a male child was born to them on 21.03.2016. Thereafter, dispute arose between them. The respondent/husband filed H.M.O.P.No.128 of 2017 on the file of Sub Court, Arani, seeking divorce. Learned counsel submits that the petitioner's child is now six years old and the petitioner is working as Office Assistant in the local library. He further submits that the petitioner is not financially sound and she is facing much difficulty to maintain herself and her child. In such circumstances, the petitioner finds it difficult to travel along with her child

to attend the Court proceedings at Subordinate Court, Arani. Since the petitioner is residing at Vellore, she has filed the present petition seeking transfer of H.M.O.P.No.128 of 2017 on the file of Subordinate Court, Arani, Tiruvannamalai District, to the file of Subordinate Court, Gudiyattam, Vellore District.

4. Learned counsel appearing for the respondent submits that instead of Gudiyattam, the case may be transferred to any other Court, which is convenient for both the parties.

5. Considering the submissions made as also the fact that the petitioner has to travel to Arani along with her minor child to attend each and every hearing, this Court is of the considered view that the request of the petitioner has to be acceded to.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed as prayed for. The case in H.M.O.P.No.128 of 2017 on the file of Subordinate Court, Arani, Tiruvannamalai District, is transferred to the file of Subordinate Court, Gudiyattam, Vellore District. The Subordinate Court,

S.KANNAMMAL, J

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Arani, Tiruvannamalai District, is directed to transmit all the papers pertaining to H.M.O.P.No.128 of 2017 to the file of the Subordinate Court, Gudiyattam, Vellore District, immediately, after receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

20.09.2021

Index : Yes/No
Internet : Yes/No

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To

1.The Subordinate Court,
Arani,
Tiruvannamalai District.

2.The Subordinate Court,
Gudiyattam,
Vellore District.

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