



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2021

CORAM

THE HON'BLE MR.JUSTICE A.A. NAKKIRAN

Tr.C.M.P.No.453 of 2021

and

CMP.No.11908 of 2021

Magasakthi

.. Petitioner

Vs.

Anbazhagan

..Respondent

PRAYER: This Transfer Civil Miscellaneous Petition has been filed to withdraw the petition in H.M.O.P. No.53 of 2019 on the file of the Sub-Court, Neyveli and the transfer the same to the Sub-Court, Trichy.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : No appearance

O R D E R

The petitioner, being the wife of the respondent herein, has come up with the present petition seeking to transfer H.M.O.P.No.53 of 2019, filed by the respondent for divorce, which is pending on the file of the Sub-Court, Neyveli to the file of the Sub-Court, Trichy.

2. The learned counsel appearing for the petitioner submitted that the petitioner is residing along with her two minor children in her parents house at Trichy and she finds it very difficult to travel about 200 kms from Trichy to Neyveli for attending the Court on every hearings in H.M.O.P.No.53 of 2019. Further, she also apprehends to defend her case. In these circumstances, on the ground of convenience, she seeks to transfer the case from the Sub-Court, Neyveli to the file of the Sub-Court, Trichy.



3. It is seen from the records that notice has been served on the respondent through Court on 17.08.2021 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, this Court is inclined to withdraw the H.M.O.P.No.53 of 2019 from the file of the Sub-Court, Neyveli and transfer the same to the file of the Sub-Court, Trichy. The learned Judge, Sub-Court, Neyveli is directed to transmit the papers pertaining to H.M.O.P.No.53 of 2019 to the file of the Sub-Court, Trichy, forthwith. The learned Judge, Sub-Court, Trichy, is directed to dispose of the case in H.M.O.P.No.53 of 2019 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 VII)
//True Copy//

Sub Assistant Registrar

gv

To

1.The Subordinate Judge, Neyveli
2.The Subordinate Judge, Trichy

+1CC to Mr.B.Kumarasamy, Advocate, Sr.No.43352

Tr.C.M.P.No.453 of 2021
and
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RLD (CO)
K.RK. (15.09.2021)