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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.536 of 2021
and CMP No.14105 of 2021

M.Divya Shree

... Petitioner

Vs

G.Muralidaran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleaded to withdraw HMOP No.42 of 2021, pending on the file of the Subordinate Court, Kangeyam and transfer the same to the file of the Subordinate Court, Poonamallee.

For Petitioner : Mr.B.Hari Krishnan

For Respondent : Mr.K.Sudhakar

O R D E R

The wife seeks transfer of proceedings in HMOP No.42 of 2021 filed by the husband seeking divorce on the file of the Sub Court, Kangeyam to the Sub Court, Poonamallee since she is a resident of Ambattur, Chennai.

2. The transfer is sought for solely on the ground of convenience. The request of the wife for transfer is opposed by the husband contending that both the parties employed in the companies at Bangalore and it is in view of the pandemic, they are now working from home. The wife is stated to be residing at Trichy in her parents house.

3. Mr.B.Hari krishnan, learned counsel for the petitioner/wife would submit that she is actually residing at Ambattur with her maternal grandparents and she is working at Chennai. Certain materials have also been produced to show that the wife is a resident of Ambature near Chennai.



4. The transfer sought for is to a Sub Court, where the appearance of the parties for every hearing is not mandatory and the parties can appear through their counsels for non essential hearings. Therefore, considering the convenience of the wife and the distance between Kangeyam and Ambattur, I am of the opinion that the Original Petition could be transferred to the Sub Court, Poonamallee to be tried and disposed of in accordance with law. The inconvenience caused to the husband will also be very minimal as he would have to appear only for letting in evidence which would be, in all probabilities, for 4 or 5 hearings.

5. In view of the above, the Transfer Civil Miscellaneous Petition is allowed. The proceedings in HMOP No.42 of 2021 on the file of the Sub Court, Kangeyam are withdrawn and transferred to the Sub Court, Poonamallee to be tried and disposed of in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

vum

To

1. The Subordinate Judge, Kangeyam
2. The Subordinate Judge, Poonamallee.

Copy To

The Section Officer,
VR Section, High Court, Madras.

+1cc to Mr.B.Hari Krishnan, Advocate SR.No.59398

+1cc to Mr.K.Sudhakar, Advocate SR.No.59598

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MG (CO)
GMY (01/12/2021)