



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.65 of 2021

and

C.M.P. (MD) No.1229 of 2021

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Praveenkumar

... Petitioner/Respondent

-vs-

J.Anupriya

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.144 of 2020, on the file of Principal Subordinate Court, Trichy and to transfer the same to the file of Subordinate Court at Vellore.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.T.A.Punithan

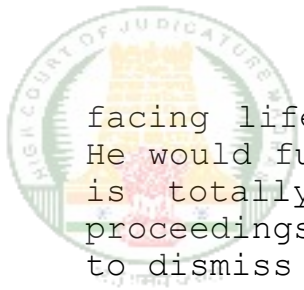
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.144 of 2020, on the file of Principal Subordinate Court, Trichy and to transfer the same to the file of Subordinate Court at Vellore.

2.The respondent has filed H.M.O.P.No.144 of 2020 before the Principal Subordinate Court, Trichy, for divorce.

3. The learned counsel for the petitioner/husband submitted that both the petitioner and the respondent are residing at Vellore and it is also convenient for the respondent to attend the Court at Vellore. Since the cause of action arose within the territorial jurisdiction of the Court at Vellore District, there is no jurisdiction to file the case in H.M.O.P.No.144 of 2020 before the Sub Court Trichy. The distance between Vellore to Trichy is about 300 kms. Moreover, the petitioner is working at Vellore in a private company. In this circumstance, it is difficult for the petitioner to travel from Vellore to Trichy, for attending the Court hearing in H.M.O.P.No.144 of 2020. Hence, he prays to transfer the case to Vellore.

4.The learned counsel appearing for the respondent/wife submitted that the respondent is having 2 ½ years old child. Since the petitioner's father is a Police Inspector at Vellore, she is



facing life threat at the hands of the petitioner and his father. He would further submit that the contention raised by the petitioner is totally false and only with an intention to drag on the proceedings, the present petition has been filed. Hence, he prays to dismiss the petition.

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5. In view of the above submissions, it is seen that the ground on which the above petition is filed that the travel would cause great deal of inconvenience to the petitioner/husband. The proceeding is before the Principal Sub Court, Trichy, where the presence of the parties for every hearing is not required unlike in the case of Family Court. Therefore, I do not find any substance in the petition for transfer and the same is liable to be dismissed.

6. In fine, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

The Principal Subordinate Court,
Trichy.

Tr.C.M.P. (MD) No.65 of 2021

and

C.M.P. (MD) No.1229 of 2021

Dated: **01.07.2021**

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