



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.429 of 2021

and

C.M.P (MD) No.8366 of 2021

WEB COPY

Meenvizhi

... Petitioner

Vs.

A.Gopinath

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP No. 26 of 2021 on the file of the Sub Court, Devakotti to the file of the Sub Court, Kumbakonam.

For Petitioner : Mr.R.Senthilkumar
For Respondent : Mrs. Ragaventhre

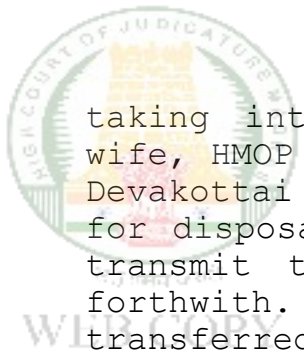
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to to withdraw the case in HMOP No. 26 of 2021 on the file of the Sub Court, Devakotti to the file of the Sub Court, Kumbakonam.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 08.07.2019 at Kumbakonam and out of the wedlock the petitioner and the respondent were blessed with a baby girl on 20.05.2021. Since there was nobody to take care of her and the child in the matrimonial home, she stayed with the child in her parents home for sometime. Meanwhile she was shocked to receive a notice from the Court. The respondent has filed a petition seeking for divorce in HMOP No.26 of 2021 before the Sub Court, Devakottai. The petitioner finds it very difficult to travel along with the child from Kumbakonam to Devakottai, thereby the petition has been filed seeking transfer. The respondent is presently working in Chennai and it would not be difficult for him to travel to Kumbakonam than to travel to Devakottai. The learned counsel would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration the convenience and the comparative hardship faced by the petitioner/wife had directed to transfer the cases to be tried in Courts near to the petitioner. Thereby, he seeks for transfer.

3. The learned counsel for the respondent vehemently opposed for transferring the case from the file of the file Sub Court, Devakottai to Kumbakonam.

4.Considering the facts and circumstances of the case and
<https://hcservices.ecourts.gov.in/hcservices/>



taking into consideration the comparative hardship faced by the wife, HMOP No. 26 of 2021 is withdrawn from the file of Sub Court, Devakottai and transferred to the file of the Sub Court, Kumbakonam for disposal as per law. The Sub Court, Devakottai is directed to transmit the papers to the file of the Sub Court, Kumbakonam, forthwith. The Sub Court, Kumbakonam is directed to dispose transferred HMOP No. 26 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Subordinate Judge, Devakottai

2. The Subordinate Judge, Kumbakonam

+1 CC to M/s.R. SENTHILKUMAR, Advocate (SR-33131[F] dated 28/10/2021)

+1 CC to M/s.S. RAGAVENTHRE, Advocate (SR-32683[F] dated 26/10/2021

Tr.C.M.P. (MD) No.429 of 2021
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KMV (CO)

KB(12.11.2021) 2P 5C