



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2019
CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

Tr.C.M.P. (MD)No.496 of 2018
and
C.M.P. (MD)No.11678 of 2018

M.S.Akila : Petitioner/1st Respondent

.. Vs ..

1.P.Muthuraja : 1st Respondent/Petitioner
2.Sasikumar : 2nd Respondent/2nd Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24(b)(ii) of Civil Procedure Code, praying to withdraw H.M.O.P.No.112 of 2018 on the file of the Subordinate Court, Srivilliputhur, Virudhunagar District and to transfer the same case to any other competent Court at Nagaercoil, Kanniyakumari District for further proceedings.

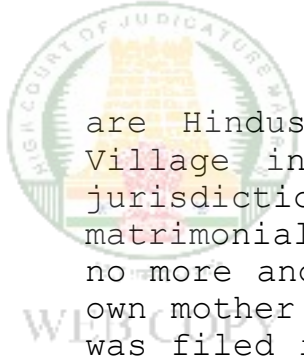
For Petitioner : Mr.L.Victoria Gowri
For Respondent 1 : Mr.M.Kaliraj
For Respondent 2 : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.112 of 2018 on the file of the Sub Court, Srivilliputhur, Virudhunagar District to any other competent Court at Nagercoil, Kanniyakumari District.

2.The learned Counsel appearing for the first respondent reports no instructions. However, he wants this Court to dispose of this case after showing the first respondent's name in the cause list. Having regard to the conduct and attitude of the first respondent/husband in the Transfer Civil Miscellaneous Petition, this Court has no other option but to dispose of the transfer petition on merits.

3.It is stated that the marriage between the petitioner and the first respondent was solemnised on 05.06.2017 at Rajapalayam, Virudhunagar District. Though the petitioner and the first respondent were living at Salem, the wife has stated she was treated with cruelty by the first respondent/husband. It was her case that her husband/first respondent was compelling her to give a consent for divorce. The petitioner who is the wife has filed the petition for transfer on the ground of convenience. The parties



are Hindus. Since the petitioner is at present residing in a Village in Kannyakumari District, her place of residence confer jurisdiction on the Sub Court, Padmanabhapuram to entertain a matrimonial dispute. It is stated that the petitioner's father is no more and that the petitioner is unemployed and residing with her own mother who is also an unemployed. Though the transfer petition was filed in 2018, no counter is filed by the first respondent till date. In the said circumstances, this Transfer Civil Miscellaneous Petition is allowed and the proceedings in H.M.O.P.No.112 of 2018 on the file of the Sub Court, Srivilliputhur, Virudhunagar District is withdrawn and transferred to the Sub Court, Padmanabhapuram, Kannyakumari District. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sub Judge,
Srivilliputhur,
Virudhunagar District.
2. The Sub Judge,
Padmanabhapuram,
Kannyakumari District.

+1 CC to M/s.L.VICTORIA GOWRI, Advocate (SR-77115[F] dated 24/07/2019)

Tr.C.M.P. (MD) No.496 of 2018
23.07.2019

srm

MK (01.08.2019) 3P 4C