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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.11 of 2022

and

C.M.P.No.435 of 2022

N.Nandinipriya ... Transfer Petitioner/Respondent.

Vs

V.Karthik ... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to pass an order to withdraw H.M.O.P.No.70 of 2021 from the file of the Subordinate Court, Chidambaram, and transfer the same to the Principal Sub-Court, Mayiladuthurai.

For Petitioner : Mr.R.Sivakumar

For Respondent : Mr.E.Jaya Sankar

ORDER

The respondent/wife in petition for divorce filed by the husband on the file of the Subordinate Court, Chidambaram is the petitioner before this Court. The petitioner seeks to withdraw H.M.O.P.No.70 of 2021 pending on the file of the Subordinate Court, Chidambaram and transfer the same to the Principal Sub-Court, Mayiladuthurai.

2. The reasons given by the petitioner/wife for seeking the transfer are as follows:

I) Since the petitioner is unemployed, she is depending on her parents for her financial needs.

II) She is taking care of her one and a half year old baby who is also being taken care of by her parents as the respondent/husband has not come forward to pay any maintenance to her.

iii) She is residing at Sirkali which falls within the jurisdiction of the Principal Sub-Court



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Mayiladuthurai and would save her travelling from Sirkali to Chidambaram.

iv) The petitioner has filed a petition for restitution of conjugal rights in HMOP No.348 of 2021 on the file of the Principal Sub-Court Mayiladuthurai.

3. The respondent/husband has entered appearance through counsel and the counsel would oppose the said transfer on the ground that the distance between Sirkali ad Chidambaram is only 23 Kms., and therefore the reasons given for seeking transfer is without any basis.

4. Heard the learned counsel on either side.

5. The petitioner is not only seeking transfer on the ground of distance but also seeking transfer on the ground that she has to take care of her one and a half years old child and travelling back and forth would cause inconvenience to her physically as well as financially, as she had some health issues after the child birth. That apart under Section 19(ii) of the Hindu Marriage Act the place of convenience of the wife has to be considered, no prejudice would be caused to the respondent/husband since the matter is only before the Sub-Court where the presence of party for every hearing is not mandatory.

6. In view of the above circumstances, Transfer Civil Miscellaneous Petition is allowed and H.M.O.P. No.70 of 2021, pending on the file of the Subordinate Court, Chidambaram, is withdrawn and transferred to the file of the Principal Sub-Court, Mayiladuthurai. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1.The Subordinate Judge,
Chidambaram.



2.The Principal Subordinate Judge,
Mayiladuthurai.

+lcc to M/s.K.M.Vijayan Associates, Advocate Sr.12843

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srg 11/03/2022