



Tr. C.M.P.No.558 of 2022 & C.M.P. No.9734 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Tr. C.M.P.No.558 of 2022

&

C.M.P. No.9734 of 2022

Buvaneshwari

...Petitioner

Vs.

Venkatesan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 CPC praying to withdraw the proceedings in HMOP No.57 of 2021 on the file of the Subordinate Judge, Rasipuram, Namakkal District and transfer the same to the file of the Sub Court, Avinashi, Tiruppur district.

For Petitioner : Mr.M. Devaraj

For respondent : Mr. B. Jawahar

ORDER

The present Transfer Civil Miscellaneous Petition is filed seeking to transfer HMOP No.57 of 2021 on the file of the Subordinate Court, Rasipuram, Namakkal District, to the file of the Subordinate Court, Avinashi, Tiruppur district.



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2. The respondent/ husband filed HMOP No. 57 of 2021 before the Subordinate Court, Rasipuram, Namakkal District, for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act.

3. In the affidavit filed in support of the petition, the petitioner had contended that since she is presently residing with her brother at Thekkalur village, Tiruppur, she is unable to come down to Rasipuram to attend each and every hearing. Hence, she had prayed for transferring HMOP No. 57 of 2021 from the the file of Subordinate Court, Rasipuram, Namakkal District to the file of Subordinate Court, Avinashi, Tiruppur district.

4. Mr. B. Jawahar, learned counsel for the respondent contended that though the petitioner is residing in the very same village in which the respondent is residing, she has filed the present petition seeking to transfer HMOP No. 57 of 2021 from the file of Subordinate Court, Rasipuram.



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5. Per contra, Mr.M. Devaraj, learned counsel appearing for the petitioner drew the attention of this Court to the Aadhar card of the petitioner wherein her address is shown as Thekkalur, Tiruppur. It is his further contention that Thekkalur is nearer to Avinashi and that transfer of HMOP No.57 of 2021 from the file of Subordinate Court, Rasipuram, Namakkal District, is absolutely necessary to enable the petitioner to attend the court. It is also his contention that the petitioner was initially residing with her parents at Athanur Village, Rasipuram and after the death of her father, she is presently residing with her brother at Thekkalur, Tiruppur.

6. Therefore, this court is convinced that transfer of H.M.O.P No.57 of 2021 as prayed for by the petitioner would meet the ends of justice. Accordingly, H.M.O.P No.57 of 2021 is withdrawn from the file of the Subordinate Court, Rasipuram, and transferred to the file of the Subordinate Court, Avinashi, Tiruppur District. The learned Subordinate Judge, Rasipuram, is directed to send all the records pertaining to H.M.O.P No.57 of 2021 to the Subordinate Court, Avinashi, Tiruppur,



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7. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently connected civil miscellaneous petitions are closed.

12.10.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
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To

1. The Subordinate Judge, Rasipuram, Namakkal District.
2. The Subordinate Judge, Avinashi, Tiruppur district.

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