



Tr.C.M.P(MD)No.546 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.546 of 2022

and

C.M.P(MD) No.8663 of 2022

Renuga

... Petitioner

-Vs-

K.Prabakaran

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.19 of 2022 pending on the file of the learned Additional Sub Court, Hosur, Krishnagiri District and transfer the same to the Family Court, Dindigul.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.R.S.Sivaram

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of the proceedings in H.M.O.P.No.19 of 2022 from the file of the Additional Sub Court, Hosur, Krishnagiri District to the Family Court, Dindigul.



Tr.C.M.P(MD)No.546 of 2022

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2.The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.11.2015. Subsequently, due to some difference of opinion, they separated. The respondent filed H.M.O.P.No.19 of 2022, seeking divorce, before the Additional Sub Court, Hosur. Since the petitioner/wife is a resident of Dindigul, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.19 of 2022, from the file of the Additional Sub Court, Hosur to the Family Court, Dindigul.

3.The learned counsel appearing for the petitioner submits that the distance between Hosur and Dindigul is around 350 kms and it will be difficult for her to travel such a long distance for each and every hearing as there is no one to accompany her.

4.The learned counsel appearing for the respondent/husband submits that the petitioner has suppressed her health condition and entered into the marriage agreement. He further



Tr.C.M.P(MD)No.546 of 2022

submits that the petitioner has not attained puberty and the same was also confirmed by the Doctor. On this ground only, H.M.O.P.No.19 of 2022 has been filed. Doctor certificate has also been produced before the trial Court to that effect.

5.In reply, the learned counsel for the petitioner submits that the petitioner and the respondent are close relatives and their marriage is a love marriage. The respondent knowing the health condition of the petitioner alone had agreed for the marriage and now he has filed the divorce petition on this ground. He further submits that the respondent is not paying any maintenance to the petitioner.

6.The learned counsel for the respondent submits that the respondent is ready to a sum of Rs.2,500/- to the petitioner towards litigation expenses for each and every hearing for her appearance before the Additional Sub Court, Hosur.



Tr.C.M.P(MD)No.546 of 2022

WEB COPY

7.Considering the rival submissions made and also taking into consideration of the submission made by the respondent counsel, this Court is inclined to dispose of this Transfer Civil Miscellaneous Petition with a direction to the learned Additional Sub Judge, Hosur, Krishnagiri District to dispose of the H.M.O.P.No.19 of 2022 as expeditiously as possible. It is made clear that whenever the petitioner needs to appear before the Additional Sub Court, Hosur, the respondent/husband shall pay a sum of Rs.2,500/- to the petitioner towards her litigation expenses, till the disposal of the above HMOP proceedings.

8.With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes/No
Internet : Yes/No
vrn



Tr.C.M.P(MD)No.546 of 2022

WEB COPY **To**

- 1.The Additional Sub Court, Hosur.
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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Tr.C.M.P(MD)No.546 of 2022

B.PUGALENDHI, J.

vrn

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