



Tr.C.M.P(MD)No.588 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.588 of 2021

and

C.M.P(MD) No.10566 of 2021

Rohini

... Petitioner

-Vs-

R.Sakthivel

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.316 of 2017, on the file of the Principal Sub Court, Tiruchirappalli to the Family Court, Chennai.

For Petitioner : Mr.A.Arul Jenifer

For Respondent : Mr.S.Sankar

ORDER

This Transfer Civil Miscellaneous Petition is filed by the wife to transfer the proceedings in HMOP No.316 of 2017, which is pending on the file of the Principal Sub Court, Trichy to the Family Court at Chennai.



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2.The learned counsel appearing for the petitioner submits that the petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 22.08.2005. Out of the wedlock, they have blessed with a female child on 02.06.2006. Subsequently, due to some difference of opinion, the respondent filed H.M.O.P.No.316 of 2017, seeking divorce, before the Principal Sub Court, Tiruchirappalli. Since the petitioner/wife is a resident of Chennai, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.316 of 2017 from the file of the Principal Sub Court, Trichy to the Family Court at Chennai.

2.1.The learned counsel further submits that the petitioner/wife is working as nurse in a Private Hospital and hence she is not in a position to take leave often. The learned counsel further submits that as she is having a female child, it is difficult for her to appear before the Principal Sub Court, Trichy and therefore requested to transfer the proceedings in HMOP No.316 of



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2017, from the file of the Principal Sub Court, Trichy to the Family Court, Chennai.

3.The learned counsel appearing for the respondent/husband submits that H.M.O.P.No.316 of 2017 is pending before the Sub Court, Trichy, where, the appearance of the parties in each and every hearing is not mandatory and it is also ripe for trial and within two or three hearings, the entire proceedings could be completed. He also undertakes that the respondent is prepared to pay a sum of Rs.10,000/- to the petitioner towards transport expenses for her appearance before the Sub Court, Trichy.

4.This Court considered the rival submissions made and perused the materials placed on record. Since the case is pending before the Sub Court, Trichy, the petitioner's appearance is not required for each and every hearing. It is also reported that the case is ripe for trial. Moreover, the respondent/husband undertakes to pay a sum of Rs.10,000/- to the petitioner towards transport expenses.



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5.In view of the above, this Transfer Civil Miscellaneous Petition is dismissed. The respondent/husband is directed to pay a sum of Rs.10,000/- to the petitioner for each hearing for her appearance before the Sub Court, at Trichy. No Costs. Consequently, connected miscellaneous petition is closed.

11.11.2022

Index : Yes/No
Internet : Yes/No
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To

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



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B.PUGALENDHI, J.

vrn

Order made in
Tr.C.M.P(MD)No.588 of 2021
and
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