



WEB COPY



Tr.CMP.No 1279 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Tr.C.M.P. No. 1279 of 2022

and

C.M.P. No. 21572 of 2022

R. Ranjitha @ Bhagavathi

.. Petitioner

Versus

P. Viswanathan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 (1) (b) of Civil Procedure Code, to withdraw and transfer H.M.O.P. No.56 of 2022, pending before the Subordinate Court, Perundurai, Erode District and transfer the same to the Sub Court, Pollachi for joint trial with the case in HMOP.No. 200 of 2022 pending on the file of Sub Court, Pollachi, Coimbatore District.

For Petitioner : Mr. V. Vijayarajan

For Respondent : No appearance

ORDER

Though notice was served on the respondent as early as on 02.01.2023, there is no representation on behalf of the respondent. Hence this Court is inclined to dispose of the matter on merits.



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2. This petition is filed to withdraw and transfer H.M.O.P. No.56 of 2022, pending before the Subordinate Court, Perundurai, Erode District and transfer the same to Sub Court, Pollachi, Coimbatore District. The petitioner is the wife. The respondent/husband filed the petition for divorce in H.M.O.P. No.56 of 2022 before the Subordinate Court, Perundurai. The petitioner/wife filed HMOP.No. 200 of 2022 before the Subordinate Court, Pollachi, Coimbatore District under Section 9 of the Hindu Marriage Act as well as the petitioner filed Maintenance Case against the respondent which is yet to be taken on file before the learned Judicial Magistrate Court No.II, Pollachi. The petitioner states that she is residing with her child and aged parents at Coimbatore District. Her father has been affected by Parckinsons. It is the case of the petitioner that she is unable to travel from Coimbatore District to Erode for every hearing. Having regard to the fact that the petitioner's parents are aged persons, it is contended by the petitioner that she may not get any assistance from her aged parents to conduct the case. It is the specific case that trial of proceeding in H.M.O.P. No.56 of 2022 before the Subordinate Court, Perundurai, Erode District, will be more inconvenient for the petitioner.



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3. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Since the respondent did not appear or file any counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of the submission made by the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, H.M.O.P. No.56 of 2022 pending on the file of Subordinate Court, Perundurai, Erode, is hereby withdrawn and transferred to the Sub Court, Pollachi, Coimbatore District as well as to proceed with the joint trial in HMOP.No.200 of 2022 filed by the petitioner.

4. This Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

Index:Yes/No
Speaking order / Non speaking order
MSM

To

- 1.The Subordinate Court, Perundurai, Erode.
- 2.The Sub Court, Pollachi, Coimbatore District.



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V. BHAVANI SUBBAROYAN, J

MSM

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