



Tr.C.M.P.(MD) No.452 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.452 of 2022
and
C.M.P(MD)No.7339 of 2022

Kanimozhi

... Petitioner/Respondent

-VS-

Kaleeswaran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the petition in H.M.O.P.No.200 of 2021 pending on the file of the learned Sub-Court, Palani, Dindigul District and transfer the same to the file of the learned Sub-Court, Pattukottai, Thanjavur District

For Petitioner : Mr.S.Karthik
For Respondent : Mr.T.Lenin Kumar



WEB COPY

Tr.C.M.P.(MD) No.452 of 2022

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.200 of 2021 pending on the file of the learned Sub-Court, Palani, Dindigul District and transfer the same to the file of the learned Sub-Court, Pattukottai, Thanjavur District.

2.The petitioner is the respondent in H.M.O.P.No.200 of 2021 pending before the Sub-Court Palani, filed by the respondent/husband to dissolve the marriage between the petitioner and the respondent on the ground of cruelty and other provisions under Sections 13(1)(1a)(1b) of Hindu Marriage Act.

3.It is submitted that the respondent/husband has initiated the proceedings in Palani. The petitioner/wife is residing in Pattukkottai at Thanajvur District and that the petitioner is required to travel for more than 300 kms, for the case. It is further submitted that the petitioner is living with her parents and is also taking care of her daughter and hence, she prayed for transfer of H.M.O.P.No.200 of 2021 pending on the file of Sub-Court, Palani, to Sub-Court Pattukottai, Thanajvur District.



Tr.C.M.P.(MD) No.452 of 2022

WEB COPY

4.The said application was opposed by the respondent on the ground that the petitioner is a business magnet having several business interests and is earning independent income. It is further submitted that despite the same, the respondent is taking care of the educational expenses of the child born to them on 03.06.2001. To substantiate the same, the learned counsel appearing for the respondent has produced certain documents before this Court.

5.I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel appearing for the respondent.

6.The petitioner and the respondent got married on 01.09.2000, and thereafter, they have started living separately from the year 2011. Therefore, the respondent has filed H.M.O.P.No.200 of 2021 before the Sub-Court, Palani, Dindigul District. The distance between the two places is approximately 300 kms. Though it was available to file a case before the Court where the parties lived together and had their matrimonial home, it is always open for a party to file the case where the opposite party resides.



Tr.C.M.P.(MD) No.452 of 2022

WEB COPY

7. In my considered view, the petitioner is entitled for the relief sought for. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the case in H.M.O.P.No.200 of 2021 pending on the file of the Sub-Court, Palani, Dindigul District, is directed to be withdrawn and transferred to the Sub-Court, Pattukkottai, Thanjavur District.

8. Considering the fact that the marriage was in the year 2000 and both the parties have lived separately for more than a decade and also considering the fact that the child was born on 03.06.2001, the Sub-Court, Pattukkottai shall endeavour to bring a closure to the dispute one way or other, as expeditiously as possible, preferably within a period of fifteen(15) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

Ns



WEB COPY



Tr.C.M.P.(MD) No.452 of 2022

To:

- 1.The Sub-Court,
Palani,
Dindigul District
2. The Sub-Court,
Pattukkottai,
Thanjavur District.



WEB COPY



Tr.C.M.P.(MD) No.452 of 2022

C.SARAVANAN, J.

Ns

Order made in
Tr.C.M.P.(MD) No.452 of 2022
and
C.M.P(MD)No.7339 of 2022

Dated:

20.03.2023