



WEB COPY



Tr.C.M.P.No.1057 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22..10..2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Transfer Civil Miscellaneous Petition No.1057 of 2024

and

C.M.P.No.23336 of 2024

S.Nandhakumar

..... Petitioner

-Versus-

P.Janani Priya

..... Respondent

Petition filed under Section 24 of the Code of Civil Procedure,1908, praying to withdraw the case in H.M.O.P.No.25 of 2022 from the file of the learned Principal Subordinate Judge at Kumbakkonam and transfer the same to the file of the learned Subordinate Judge at Vellore.

For Petitioner : Ms.G.P.Sharumathi

ORDER

This Transfer Civil Miscellaneous Petition is at the instance of the husband seeking to withdraw the case in H.M.O.P.No.25 of 2022 from the file of the learned Principal Subordinate Judge at Kumbakkonam and transfer the same to the file of the learned Subordinate Judge at Vellore.



Tr.C.M.P.No.1057 of2024

2. The petitioner married the respondent on 25.05.2012 and from the wedlock two children were born. The respondent/wife has initiated proceedings for divorce invoking Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the Principal Subordinate Court at Kumbakkonam. This has been received as H.M.O.P.No.25 of 2022. Pleading that he is unable to travel from Vellore to Kumbakkonam for every hearing, the petitioner/husband has moved this transfer petition.

3. The wife is alleged to be residing in Dubai. If the proceedings are transferred to the file of the Family Court necessarily she will necessarily have to appear for every hearing. The permanent residence of the respondent/wife seems to be at Ariya Thidal in Kumbakkonam Taluk. Since H.M.O.P.No.25 of 2022 is pending before the Principal Subordinate Judge at Kumbakkonam, it would not be necessary for either parties to appear for every hearing. They can be represented by their respective counsels.

4. Ms.G.P.Sharumathi learned counsel for the petitioner represents that for very hearing the petitioner/husband has been travelling from Vellore to Kumbakkonam for over a period of 1 ½ years.

5. For the above reason, the proceedings need not be transferred out of the Subordinate Court at Kumbakkonam. The learned Subordinate Judge is



Tr.C.M.P.No.1057 of2024

requested not to insist on the appearance of the petitioner/husband for every hearing. The petitioner/husband shall appear through a counsel. For all essential hearings, he shall present himself.

With the above observations, this Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected CMP is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

22..10..2024

To

1.The Principal Subordinate Judge, Kumbakkonam, Thanjavur District.



WEB COPY



Tr.C.M.P.No.1057 of2024

V.LAKSHMINARAYANAN.J.,

kmk

Tr.C.M.P.No.1057 of 2024

22..10..2024