



Tr.C.M.P.No.1277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.1277 of 2024

and

C.M.P.No.27719 of 2024

R.Vinothkumar
Rep. by its Power Agent
R.Rajeswari

..

Petitioner

Vs.

B.Jothi

..

Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.173/2024 from the file of learned Sub-Ordinate Court, Alandur and to transfer the same to the Learned Sub-Ordinate Court, Chidambaram.

For Petitioner : Mr.G.Pugazhenth



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ORDER

This Transfer Civil Miscellaneous Petition seeks for withdrawal of H.M.O.P 173 of 2024, from the file of the Subordinate Court at Alandur and transfer the same to the learned Subordinate Court, Chidambaram.

2. The wife pleads that she is entitled to divorce on the grounds of cruelty and desertion. The petitioner pleads that he is working in Qatar and therefore he had appointed his mother as a Power of Attorney to conduct H.M.O.P.No.173 of 2024. The Power of Attorney pleads that she is not in a position to travel to Alandur for the purpose of contesting the litigation as she is a resident of Parangipettai, Cuddalore District. Hence, she seeks for transfer.

3.I heard Mr.G.Pugazhenthii for the petitioner.

4.Even at the time when the Power of Attorney was executed in favour of the Agent, she was aware that the proceedings are pending in



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Alandur. Knowing well that she has to give instructions to the counsel and contest the litigation in Alandur, she had accepted to act as an Power Agent. Having accepted to act as an Agent, it does not lie in the mouth of the Agent to plea that she will not travel to Alandur for contesting the litigation. Under Section 24 of the Code of Civil Procedure, I have to see the convenience of the parties and not the convenience of the Power Agent.

Hence, this civil revision is dismissed. No costs.

05.12.2024

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
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To

1. The Subordinate Court, Alandur.
2. The Subordinate Court, Chidambaram.

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V.LAKSHMINARAYANAN,J.

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