

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.350 of 2015

Ganapathy ...Petitioner

versus

Kavitha ...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer the MOP No.95 of 2013, on the file of the Sub-Court, Krishnagiri to the Family Court at Madras.

For Petitioner : Mr.V.Lakshminarayanan

For Respondent : Ms.J.Sundarakanchanai

O R D E R

The petitioner filed original petition in MOP No.95 of 2013 before the Sub-Court, Krishnagiri, praying for a decree of divorce. The petitioner after a period of about three years, filed this petition for transfer to a Court at Chennai on the ground that parties are now residing within the jurisdiction of the family Court at Chennai.

2. The learned counsel for the petitioner submitted that the petitioner was transferred to Chennai, subsequent to the initiation of the proceedings at Krishnagiri, and that was the reason for filing this transfer petition.

3. According to the learned counsel for the petitioner, both the parties are residing within the jurisdiction of the Family Court, Chennai and as such, it would be in their interest to transfer the proceedings to a Court at Chennai.

4. On the other hand, by placing reliance on a communication dated 16.10.2014, learned counsel for the respondent submitted that the respondent is presently employed at Bangalore. According to the learned counsel, it would not be possible for

the respondent to come over to Chennai for the purpose of prosecuting the proceedings, in case, it is transferred to the Family Court at Chennai.

5. The proceedings in MOP No.95 of 2013 was initiated by the petitioner before the Sub-Court, Krishnagiri. I am informed that the trial has already commenced. The petitioner now wanted the proceedings to be transferred to the Family Court at Chennai on the specific ground that the parties are residing at Chennai. However the said statement is now proved otherwise by the respondent by producing a copy of the appointment order dated 16.10.2014.

6. The petitioner is employed at Bangalore and as such it would be difficult for him to come over to Chennai for the purpose of defending the proceedings in MOP No.95 of 2013. Moreover, the proceedings are pending before the Sub-Court at Krishnagiri for the last three years. It would not be in the interest of both the parties to transfer the petition at this point of time. I am therefore of the view that the petitioner has not made out a case for transfer.

In the upshot, I dismiss the transfer CMP. No Costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

mk/svki

To

- 1.The Judge, Family Court, Chennai
- 2.The Sub-Judge, Krishnagiri.

+1 CC to Mr. J. Sundarakanchani, Advocate Sr.No.52013

Transfer CMP No.350 of 2015

NMI (CO)

MD : 22/10/2016