

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.03.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.373 of 2015
and M.P.No.1 of 2015

V.Mercy

... Petitioner

Vs.

J.Bharath Kumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. to withdraw the O.P.No.15 of 2015 on the file of the District and Principal Sessions Judge, Tiruvallur and transfer the same to the District Court, Chengalpattu.

For Petitioner : Mr.V.Chandrakanthan
For Respondent : Mr.I.Paul Noble Devakumar

O R D E R

This petition has been filed under Section 24 of C.P.C. for transferring the O.P.No.15 of 2015 filed by the respondent herein for divorce against the petitioner herein from the file of the Principal District Judge, Tiruvallur to the file of the Principal District Judge, Chengalpattu.

2. The respondent has entered appearance through counsel. The submissions made by Mr.V.Chandrakanthan, learned counsel for the petitioner and by Mr.I.Paul Noble Devakumar, learned counsel for the respondent are heard.

3. The petitioner is the wife of the respondent and their marriage took place on 22.05.2013 in accordance with the provisions of the Indian Christian Marriage Act, 1872 at CSI Church, Tambaram. After the marriage, both of them lived together at Mogappair West, Chennai. Meanwhile due to various reasons, the couple parted with each other and the husband, namely, the respondent herein filed the matrimonial Original Petition before the Principal District Judge, Tiruvallur for divorce under Section 1[10] read with Section 18 and 19 of the Indian Divorce Act, 1869. The said Court is the jurisdictional Court, as the parties last resided together within the jurisdiction of the said Court.

4. The petitioner wants to have the case transferred to the Court of the Principal District Judge, Chengalpattu stating that it is inconvenient for the petitioner to go Tiruvallur to attend the case.

5. However, the learned counsel for the respondent has submitted that it shall be too onerous to the respondent, when it is compared with the inconvenience allegedly caused to the petitioner in attending the Court at Tiruvallur and that hence, he is not having any objection for transferring the Original Petition to any one of the Family Courts at Chennai, which shall be a convenient place for both.

6. When the said suggestion was put to the learned counsel for the petitioner, he took time for getting instructions from the petitioner. Today, the learned counsel for the petitioner submits that the petitioner is not willing for transfer of the case to anyone of the Family Court at Chennai.

7. It shall be obvious from the same that the petitioner is bent upon dragging the respondent to a place, which will cause more hardship to the respondent. The petitioner is residing at Mudichur. She can easily commute to the place of the Family Courts at Chennai whereas, she also will have to undertake a tedious journey from Mudichur to Chengalpattu, if the case is transferred to Chengalpattu. The fact that the petitioner is not willing for having the case tried in a Court situated at a place convenient to both the parties and expresses her readiness to undertake tedious travel to the place of her choice, will show that the petitioner is inclined to trouble the respondent by dragging him to a place inconvenient to him rather than seeking a bonafide transfer. Hence, this Court comes to the conclusion that the petition lacks bonafide and the same deserves to be dismissed.

Accordingly, the petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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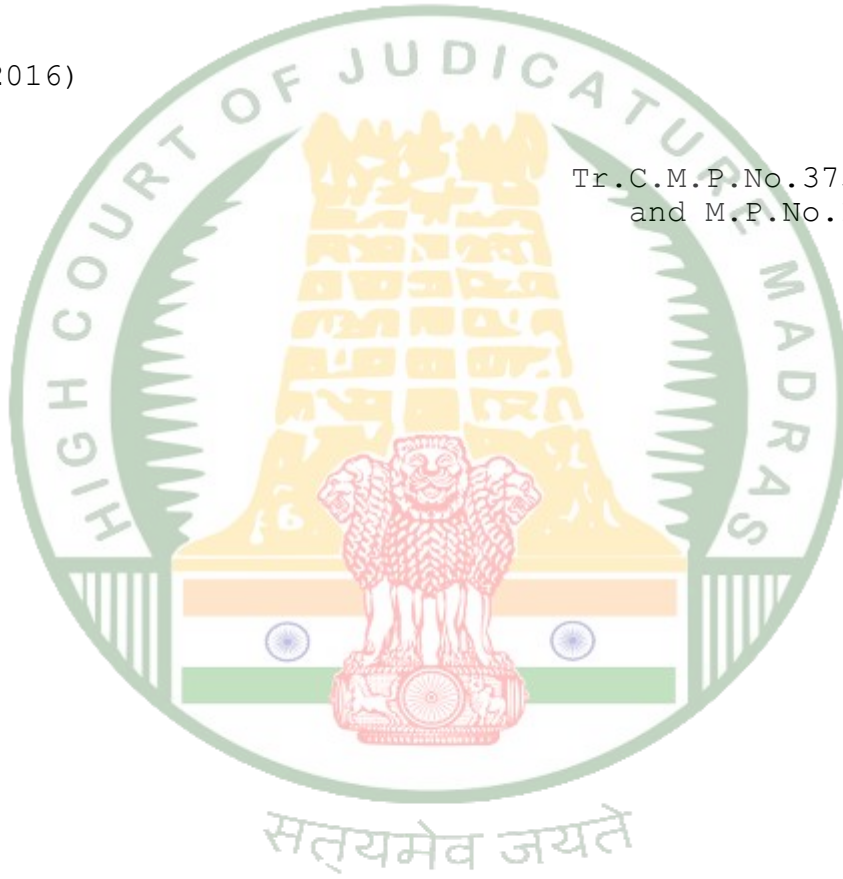
To

The District Judge,
Tiruvallur.

+1cc to Mr.V. SChandrakanthan, Advocate, S.R.No.14045
+1cc to Mr.I. Paul Nobel, Advocate, S.R.No.13995

CNR (CO)
EU (23/03/2016)

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