

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.56 of 2016

&

C.M.P.No.1074 of 2016

C.Lakshmi ... Petitioner/Respondent

Vs.

L.Saravanan ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 4 of the Code of Civil Procedure to withdraw the proceedings in H.M.O.P.No.3 of 2013 on the file of the Subordinate Court, Kanchipuram and transfer the same to the file of the Subordinate Court, Thiruthani, Thiruvallur District.

For Petitioner : Mr.K.G.Senthil Kumar

ORDER

The wife is the petitioner. The respondent is the husband. The wife has come forward with the Transfer Civil Miscellaneous Petition praying for the transfer of H.M.O.P.No.3 of 2013 pending on the file of Sub-Court, Kancheepuram to Sub-Court, Thiruttani.

2. Heard learned counsel for the petitioner.

3. It is quite obvious that no case connected with the said original petition is pending on the file of the Sub-Court, Thiruttani. It is the case of the petitioner that the petitioner has filed a maintenance case before the Judicial Magistrate, Thiruttani and that for the sake of convenience, she seeks an order from this Court for the transfer of the H.M.O.P to the Sub-Court, Thiruttani. Of course, the hardship caused to the wife has to be taken into consideration. But, the same should not be extended to approving the wife instituting a

maintenance case in a separate place of her choice and seeking transfer of the H.M.O.P filed by the husband to the place wherein the maintenance case has been filed, that too, when both the cases are not to be tried together. H.M.O.P having been filed in the year 2013 will give an indication that the petitioner wants to drag on the case. If at all the petitioner feels any impediment because of the fund crunch to meet the litigation expenses, she could have very well applied for interim maintenance and litigation expenses.

3. Hence, this Court, not inclining to encourage the petition seeking transfer of case for the sole purpose of prolonging the case, decides to dismiss the petition.

4. Accordingly, this transfer civil miscellaneous petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gpa

To

The Subordinate Court,
Kanchipuram.

+lcc to Mr.K.G.Senthil Kumar, Advocate, S.R.No.6240

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SR(CO)
CA(10/02/2016)

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