

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.606 OF 2016
AND CMP NO.16364 OF 2016

R.Priyanka

... Petitioner/Respondent

Versus

M.Maheswaran

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw the H.M.O.P.No.3191 of 2016 on the file of the II Additional Family Court, Chennai and transfer the same to the Family Court, Kancheepuram.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.M.L.Ramesh

O R D E R

The respondent initiated a proceedings in H.M.O.P.No.3191 of 2016, before the II Additional Family Court, Chennai, against the petitioner, praying for a decree of divorce.

2. The petitioner, who is a resident of Pilliyarpalayam, Kancheepuram, has come up with this petition for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The proceedings in H.M.O.P.No.3191 of 2016 is pending on the file of II Additional Family Court, Chennai. According to the petitioner, it would not be possible for her to travel from Kancheepuram to Chennai, for the purpose of defending the proceedings in H.M.O.P.No.3191 of 2016.

5. The learned counsel for the respondent submitted that it would be in the interest of both the parties, in case the matter is transferred to the nearby Court, in the District of Tiruvallur, instead of transferring it to a Court at Kancheepuram.

6. The proceedings is now pending before the II Additional Family Court, Chennai. The petitioner is a resident

of Pilliyarpalayam in the District of Kancheepuram. The distance between Pilliyarpalayam, Kancheepuram to Chennai is about 40 kms. There is a Sub Court at Poonamallee, which is about 30 kms from the residence of the petitioner.

7. The respondent is a resident of Chennai. The respondent is working in a Hotel at Chennai. According to the learned counsel for the respondent, the respondent has to work even during night shift and as such, it would be very difficult for him, in case the matter is transferred to Kancheepuram.

8. In a matter like this, the Court has to balance the equities. The difficulties of the petitioner should be considered in the light of the difficulties projected by the respondent. After hearing the learned counsel for the parties at length and taking into account the distance factor, I am of the view that it would be in the interest of both the parties, in case the matter is transferred to the Subordinate Court at Poonamallee. Since it is a Subordinate Court, the presence of the parties is not compulsory.

9. In the result, the proceedings in H.M.O.P.No.3191 of 2016 is withdrawn from the file of II Additional Family Court, Chennai and is transferred to the file of Subordinate Court at Poonamallee.

10. The respondent is directed to pay a sum of Rs.1000/- (Rupees One Thousand Only) per day to the petitioner for her travelling expenses, in case she is made to appear before the Subordinate Court at Poonamallee. The payment shall be made directly to the petitioner.

11. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1.The II Additional Family Judge, Chennai.
- 2.The Subordinate Judge,Poonamallee.
- 3.The Family Court, Kancheepuram.

+1 cc to Mr.M.L.Ramesh,advocate,sr.68022

+1 cc to Mr.P.Krishnan,advocate,sr.67864

rv(co)

krd 27/12

TR CMP NO.606 OF 2016