

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.645 of 2016 and

CMP.No.17090 of 2016

Premalatha

...Petitioner

versus

A.Paul Monova John

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw IDOP No.14 of 2014 from the file of Hon'ble Principal District Judge, Vellore and transfer the same to the file of Hon'ble Principal District Judge, Thiruvallur.

For Petitioner : Mr.E.D.Sethupathi

For Respondent : Mr.G.Jeremiah

O R D E R

The respondent initiated proceedings in IDOP No.14 of 2014 before the Principal District Court at Vellore, praying for a decree of divorce. The petitioner has come up with this petition for transfer.

2. The transfer petition is opposed by the respondent by filing counter affidavit. According to the respondent, the Trial Court was not in a position to proceed with the matrimonial proceedings on account of the absence of the petitioner to cross-examine him. According to the respondent, none of the reasons given by the petitioner in her affidavit filed in support of the transfer petition are germane for deciding the application for transfer.

3. Heard the learned counsel for the petitioner and the learned counsel on behalf of the respondent.

4. The petitioner is residing at Arakkonam. The respondent is a resident of Gudiyattam. The proceedings initiated by the respondent in IDOP No.14 of 2014 is pending before the Principal District Court, Vellore.

5. The petitioner is working as a Teacher. She is

maintaining her minor child, who is studying in VIII Standard. There is nothing on record to show that the respondent is employed. According to the petitioner, it would not be possible for her to defend the proceeding properly, in case, the same is continued before the Principal District Court at Vellore.

6. While considering an application for transfer, the Court has to balance the equities. In the subject case, the petitioner is a resident of Arakkonam and is an employee of an educational institution at Arakkonam. The minor child is staying with the petitioner. In case all these materials are taken note of, it would be clear that there are reasons to entertain the request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceedings in I.D.O.P.No.14 of 2014 is withdrawn from the file of Principal District Court, Vellore and is transferred to the file of Principal District Court, Thiruvallur, for disposal on merits.

8. The Principal District Judge, Thiruvallur, is requested to dispose of the matrimonial proceedings as expeditiously as possible.

9. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(svki)

To

- 1.The Principal District Court, Vellore
- 2.The Principal District Court, Thiruvallur

+1cc to Mr.E.D. Sethupathi, Advocate, S.R.No.67842
+1cc to Mr.G. Jereniah, Advocate, S.R.No.68184

skv (CO)
cp(29/12/2016)

Transfer CMP No.645 of 2016