

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1090 of 2017
and C.M.P.No.22439 of 2017

T. Chandravadhana

... Petitioner

versus

K. Srinivasan

... Respondent

Prayer:-

The Petition is filed under Section 24 of Civil Procedure Code praying to withdraw and transfer the above appeal in C.M.A.No.53 of 2016 pending on the file of the learned I Additional District Court, Cuddalore to the learned Principal District Court, Namakkal.

For Petitioner : Mr.C.Paraneedharan

For Respondent : Mr.K.Mohanamurali

ORDER

The petitioner/wife in the matrimonial proceedings has preferred this Transfer Civil Miscellaneous Petition seeking to withdraw C.M.A.No.53 of 2016 filed by her, pending on the file of the I Additional District Court, Cuddalore and transfer the same to the file of the Principal District Court, Namakkal.

2. Earlier, the petitioner/wife had filed H.M.O.P.No.152 of 2011 under Section 13(1)(i-a) of the Hindu Marriage Act for dissolution of marriage solemnized between her and the respondent herein, before the Principal Subordinate Judge, Cuddalore. The same was dismissed on 03.08.2016. Aggrieved by the same the appeal in C.M.A.No.53 of 2016 was filed before the Principal District Court, Cuddalore. The appeal is said to be posted for hearing on 13.04.2017 for appearance of the parties. In the meanwhile, the Tr.C.M.P. is filed by the wife. She says that she is residing at Tiruchengode, Namakkal District with her parents along with her girl child and she has to travel to Cuddalore, which would be difficult for her.

3. It is not the original proceedings and it is only an appeal, for which, the parties presence is not mandatory before the District Court. Excepting the difficulty of travelling, the affidavit is silent about any other reason. As stated above, the presence of the parties for each of the hearing in an appeal is not required. Hence, that may not be the reason for seeking transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent. The learned counsel for the respondent/husband also vehemently opposed the transfer.

5. It is stated that the appeal is in the stage of arguments and there is no reason in transferring the same at this point of time. Hence, the Tr.C.M.P.No.1090 of 2017 is dismissed as devoid of any merits. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The I Additional District Judge,
Cuddalore.
2. The Principal District Judge,
Namakkal.

सत्यमेव जयते

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CS/11/04/18

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