

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.08.2018

PRONOUNCED ON : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 376 of 2017

and

CMP.No.7334 of 2017

S.Sivashankari ... Petitioner

Vs.

Balaji ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.159 of 2015 on the file of the Subordinate Judge, Ponneri, Thiruvallur District and transfer to the file of the Subordinate Judge, Palaiyamkottai, Thirunelveli District.

For Petitioner : Mr.N.A.Mahamed Noohu

For Respondent : Mr.V.Manisekar

ORDER

The petitioner is the wife. The respondent is the husband.

2.The petitioner has filed the HMOP No.159 of 2015 against the respondent for dissolution of marriage and the same is pending on the file of the Sub-Court, Ponneri, Thiruvallur District.

3.Putting forth the case that the petitioner had to shift her residence from Puzhal to Thirunelveli District and accordingly, contending that in view of the long distance between Thirunelveli and Thiruvallur, as the petitioner is finding it not easy to attend the hearing dates of the proceeding at Thiruvallur Court, the petitioner has come forward with the present petition, seeking transfer of the abovesaid proceeding to the file of the Palaiyamkottai Sub-Court, Thirunelveli District.

4.The respondent contested the transfer claim of the petitioner putting forth that the petitioner would not express any difficulty in continuing the proceeding at Thiruvallur Court and it is also stated that the petitioner's presence may not be required on all the hearing dates of the proceeding and accordingly, it is further contended that the petitioner being represented by an advocate, her advocate would be able to conduct the proceeding on her behalf as per the instructions received from her now and then and only with a view to harass the respondent, the present petition has come to be laid.

5.Considering the nature of the proceeding between the parties, as rightly putforth, the presence of the petitioner would not be required on all the hearing dates of the divorce proceeding. The petitioner being represented by an able advocate, it is found that her advocate concerned would be

able to conduct the proceeding at Ponneri Sub Court, Thiruvallur District, on her behalf as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only at the time of hearing date when her evidence is to be recorded in support of her case. Thus, it is found that the distance factor projected by the petitioner for seeking transfer as such cannot be accepted.

6. Apart from the abovesaid reasons, no other valid reason has been projected by the petitioner for effecting the transfer prayed for. In the light of the above factors, the transfer request of the petitioner cannot be acceded to.

Resultantly, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP.No. 7334 of 2017 is closed.

10.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

1. The Subordinate Court, Ponneri, Thiruvallur District.
2. The Subordinate Court, Palaiyamkottai, Thirunelveli District.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No. 376 of 2017
and
CMP.No.7334 of 2017

10.09.2018