

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. 553 of 2017

and

CMP.No.11436 of 2017

S.Kayalvizhi ... Petitioner

Vs.

V.Nandakumar ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and transfer the FCOP No.52 of 2017 on the file of the Family Court at Vellore to Family Court at Puducherry.

For Petitioner : Mr.K.Anbarasan

For Respondent : Mr.M.Selvam

ORDER

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

2.The respondent has laid FCOP No.52 of 2017 against the petitioner for dissolving the marriage between the parties and the same is pending on the file of the Family Court, Vellore.

3.It is further seen that the petitioner has laid a case against the respondent under the Domestic Violence Act in DVC No.11 of 2017 and the same is pending on the file of the Judicial Magistrate Court, Puducherry. Expressing certain inconvenience and hardship in travelling to Vellore Court from her place of residence, the petitioner has come forward with the present transfer petition seeking the transfer of the abovesaid proceeding from Vellore Court to Puducherry Court. Equally, the respondent had also expressed certain difficulty and hardship in travelling to Puducherry Court, in the event of the transfer of the proceeding to Puducherry Court by this Court. Thus, it is noted that both the parties had putforth some inconvenience in attending the proceeding at Vellore Court and Puducherry Court vice verse.

4.During the course of arguments, both the counsel agreed that to the convenience of both the parties, the proceeding be transferred to Tindivanam Sub-Court and by way of the same, no serious prejudice would be caused to either of them. Considering the lie of the Tindivanam Court from the residence of the petitioner as well as the respondent, it is found that the transfer of the proceedings from Vellore Court to Tindivanam Court would not cause any hardship to the parties.

5.Furthermore, the parties being represented by their respective counsel would also not be required to be present on all the hearing dates of the proceedings and their presence would be required only on the date when their evidence is to be recorded in support of their respective cases.

6.Considering the above factors, FCOP No.52 of 2017 is withdrawn from the file of the Family Court, Vellore and transferred to the file of the Principal Sub Court, Tindivanam for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is ordered. Consequently, connected CMP.No.11436 of 2017 is closed.

10.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Family Court at Vellore.
- 2.The Family Court at Puducherry.
- 3.The Principal Sub-Court, Tindivanam.

T.RAVINDRAN, J.

sms

Pre-delivery Order made  
in Transfer CMP.No. 553 of 2017  
and  
CMP.No.11436 of 2017

10.09.2018