

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.08.2018

PRONOUNCED ON : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.CMP.No. 903 of 2017
and
CMP.No.18354 of 2017

Ramya ...Petitioner

Vs.

Arunkumar ...Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.71 of 2017 pending on the file of the Sub-Court, Tiruchengode and to transfer the same to the Family Court, Erode.

For Petitioner : Ms.J.Prithivi
for Mr.S.Kaithamalai Kumaran
For Respondent : No appearance

ORDER

The Petition has been laid by the petitioner seeking to withdraw HMOP No.71 of 2017 pending on the file of the Sub-Court, Tiruchengode and transfer the same to the Family Court, Erode.

2. The petitioner is wife. The respondent is husband. Despite service, the respondent has not entered appearance.

3. The respondent is stated to have filed a divorce proceeding against the petitioner in HMOP No.71 of 2017 on the file of the Sub-Court, Tiruchengode. Contending that the petitioner is residing at Andhiyur, Bhavani Taluk and also contending that the respondent is living at Pallipalayam, accordingly, the transfer petition has come to be laid by the petitioner seeking transfer of the abovesaid proceeding from the file of the Sub-Court, Tiruchengode to the Family Court, Erode.

4. It is not the case of the petitioner that the Sub-Court, Tiruchengode has no jurisdiction to try the abovesaid divorce proceeding. Further, when it is found that as per the case of the petitioner, she is residing at Andhiyur and in such view of

the matter, considering the short distance between Andhiyur and Tiruchengode, in my considered opinion, there is no need for transferring the abovesaid divorce proceeding from the Sub Court, Tiruchengode to the Sub-Court, Erode and particularly, when it is noted that the presence of the petitioner is not required at the Sub-Court, Tiruchengode on all the hearings of the abovesaid proceeding and she would be required to be present only at the time when her evidence is recorded in support of her version and in other aspects, her case could be very well managed by her able counsel on her behalf. It is thus seen that the contention of the petitioner that the proceeding, if transferred to Sub-Court, Erode, would facilitate both the parties as such cannot be accepted readily. The petitioner has not apprehended any danger to her life and body during her visit to Tiruchengode at the time of the hearing dates. Even with reference to the same, there is no material placed on record worth acceptance. As regards the reasonings of the petitioner that the respondent also being stationed at Pallipalayam, would not face any difficulty, if the matter is transferred to Sub-Court, Erode, as such cannot be accepted. When the respondent has chosen to initiate the divorce proceedings in the competent Court and when for the reasons aforesaid, the continuation of the proceeding in the Sub-Court, Erode would not cause any loss or prejudice to either of the parties and when the reasons adduced by the petitioner for seeking the transfer of the abovesaid proceeding to the file of the Family Court, Erode, do not merit acceptance as such, in my considered opinion, there is no ground made out for effecting the transfer sought for.

Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Connected CMP No.18354 of 2017 is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Sub-Court, Tiruchengode.
- 2.The Family Court, Erode.

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