

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.09.2018

PRONOUNCED ON:11.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.141 of 2018

and

C.M.P.No.3761 of 2018

M.Gayathri

...Petitioner

Vs.

R.Manikandan

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.59 of 2017 on the file of the Principal Sub-Court, Devakottai, transfer the same to the Principal District Court, Coimbatore.

For Petitioner : M/s.H.Mary Sowmi Rexi
for M/s.Isaac Chambers

For Respondent : Mr.P.Kumaresan

O R D E R

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

2. Materials placed on record would go to show that the marital life between the parties is not cordial.

3. It is seen that the respondent has levied divorce proceeding against the petitioner in H.M.O.P.No.59 of 2017 and the same is pending on the file of the Subordinate Court, Devakottai. Claiming maintenance and other reliefs, the petitioner has levied D.V.O.P.No.13 of 2017 against the respondent and the same is pending on the file of the Judicial Magistrate Court No.III, Coimbatore. It is further seen that as averred in the petition, the High Court had granted the interim stay of the proceeding of the Magistrate Court abovestated.

4. Seeking transfer of the H.M.O.P.No.59 of 2017 proceeding from Devakottai Court to Coimbatore Court, the present petition has come to be levied by the petitioner, on the footing that the petitioner is staying at Coimbatore with her parents and she is taking care of a small baby who is only 2 years and 3 months and her parents are aged, accordingly, it is stated that the petitioner would be put to inconvenience and hardship, if she were to be directed to attend the proceeding at Devakottai Court and accordingly put forth the case of transferring the proceeding from Devakottai Court to Coimbatore Court. As could be seen from the materials placed on record, the respondent is residing at Bangalore. In such view of the matter, it is found that considering the distance between Devakottai and Bangalore and the distance between Coimbatore and Bangalore, it is seen that the distance between Bangalore and Devakottai is on the higher side. Furthermore, the respondent would be required to attend the proceeding laid against him by the petitioner, which is pending on the file of the Judicial Magistrate Court, Coimbatore. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Devakottai court. It cannot be denied that the distance between Coimbatore and Devakottai is on the higher side. Accordingly, it is seen that the petitioner would be experiencing some inconvenience and hardship in attending the proceeding at Devakottai Court.

5. Considering the factors that the respondent is residing at Bangalore and he would be required to attend the maintenance proceeding at Coimbatore Court, in such view of the matter, if the divorce proceeding laid by him is transferred from Devakottai Court to Coimbatore Court, as such the respondent would not be put to any serious loss or prejudice by way of the same and considering the inconvenience and hardship that may be incurred to the petitioner in attending the proceeding at Devakottai Court, in my considered opinion, the interest of justice would be advanced, if the matter is heard and determined by the Court at Coimbatore.

6. For the reasons aforesated, the H.M.O.P.No.59 of 2017 is withdrawn from the file of the Subordinate Court, Devakottai and transferred to the file of the Principal Subordinate Court, Coimbatore for disposal according to law.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mfa

To

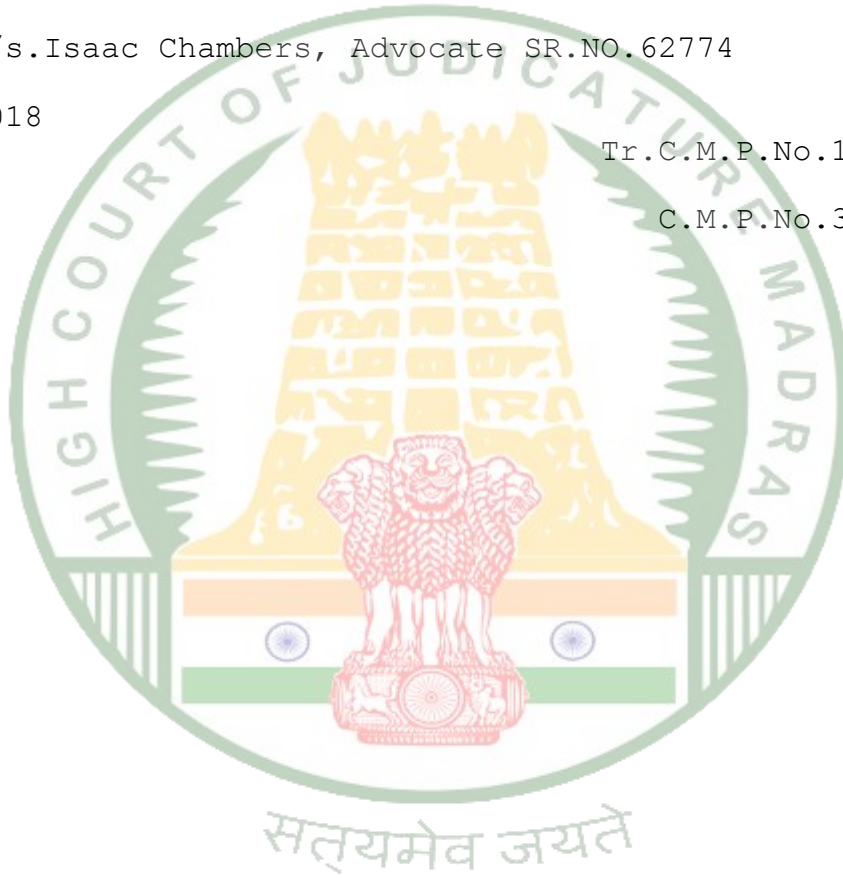
1. The Principal Subordinate Judge,
Principal Sub-Court,
Devakottai.

2.The Principal District Judge,
Principal District Court,
Coimbatore.

+lcc to M/s.Isaac Chambers, Advocate SR.NO.62774

sm:24.9.2018

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