

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :16.08.2018

PRONOUNCED ON:23.08.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.226 of 2018

&

C.M.P.No.5793 of 2018

Sivaranjani

...Petitioner/Respondent

Vs.

S.T.Chandrasekar

...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.125 of 2017 on the file of the Principal Sub Court, Cuddalore to the Family Court, Thiruvarur.

For Petitioner : Mrs.J.Tamilarasi

For Respondent : Mr.M.Prabhakar

O R D E R

Petitioner is the wife. Respondent is the husband.

2.The marital life between the parties is not pleasant. Accordingly, it is found that seeking divorce, the respondent has filed H.M.O.P.No.125 of 2017 against the petitioner which is pending on the file of the Principal Sub Court, Cuddalore. It is found that the petitioner has entered appearance in the abovesaid matter and been taking time for filing counter.

3.Contending that the petitioner is staying with her father at Thiruvarur and also looking after her child, it is the case of the petitioner that she would be unable to attend all the hearings of the divorce proceeding initiated against her by the respondent and accordingly, prayed for the transfer of the said proceeding to the Family Court, Thiruvarur. The respondent contested the abovesaid case projected by the petitioner and contended that the petitioner being represented by her counsel, accordingly, there is no need for the petitioner to attend all the hearing dates of the divorce proceeding at Cuddalore and in such view of the matter, when the petitioner's presence is required only at the time of recording her evidence in support of her case, according to him, the transfer request projected by the petitioner is not sustainable and accordingly the same is liable to be rejected.

4. Considering the nature of the proceeding involved between the parties, as rightly put forth by the respondent, there is no need on the part of the petitioner to attend all the hearing dates at Cuddalore Court. When it is found that the petitioner is being represented in the abovesaid proceeding by an able advocate, her advocate would be able to attend the hearing dates at Cuddalore on her behalf and at the most, the petitioner's presence would be required on the hearing dates when her evidence is to be recorded in support of her case. Other than that, the petitioner's presence would not be required as such and in such view of the matter, it is found that the reasons projected by the petitioner that if she were to attend all the hearing dates at Cuddalore Court and thereby she would be put to loss and hardship, as such, for effecting the transfer, cannot be accepted.

5. It is not the case of the petitioner that the Principal Sub Court, Cuddalore has no jurisdiction to try the proceeding involved between the parties.

6. In the light of the abovesaid reasons, I do not find any sufficient cause to accept the transfer request put forth by the petitioner.

7. In the light of the above position, the transfer Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

mfa

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Sub Judge, Cuddalore.

2. The Presiding Judge, Family Court, Thiruvavarur.

SSV(co)
sm:17.9.2018

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