

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20.08.2018

PRONOUNCED ON : 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 307 of 2018
and
CMP.No.7787 of 2018

Thamilselvi (A) Kumari ... Petitioner

Vs.

S.Poobalan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and transfer the case pending on the file of the Subordinate Court, Arani in HMOP No.110 of 2017 to the file of the Family Court, Chennai.

For Petitioner : Ms.G.Sharmila

For Respondent : No Representation/No Appearance
set exparte vide order
dated 20.08.2018

ORDER

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

2.The respondent has preferred HMOP No.110 of 2017 and the same is pending on the file of the Subordinate Court, Arani. Contending that the petitioner is working in a Private Hospital at Manali and residing at Chennai with her aged parents and unable to take care of her children and no one else is assisting her in taking care of her children and accordingly, for the reasons aforesaid, expressed her inconvenience and hardship in travelling to Arani to attend the hearing dates of the abovesaid HMOP proceeding, the petitioner has come forward with the present petition seeking the transfer of the abovesaid proceeding to the Family Court, Chennai for disposal according to law.

3.Though the respondent had entered appearance, later, it is found that he has not evinced interest to contest the matter and accordingly, he being called and remaining absent, and thereby, set exparte.

4.The petitioner has expressed certain inconvenience and hardship in attending the proceeding at Arani Sub-Court and further stated that she is unable to take care of her children and her aged parents, who hail with series of health problems and therefore, prayed for the transfer of HMOP proceeding from Arani Sub-Court to the Principal Family Court, Chennai.

5.The respondent has not contested the abovesaid cause of the petitioner for seeking transfer. It is thus found that inasmuch as the causes projected by the petitioner for seeking the transfer are justified and entitled to acceptance, it is found that the respondent has not evinced interest to contest the same by putting forth his cause with reference to the same. Accordingly, it is found that the petitioner has made out a justifiable cause for accepting the transfer request projected by her. That apart, it is found further that by effecting the transfer sought for, no serious prejudice would be caused to the respondent and accordingly, it is found that he has also not evinced interest to contest the transfer request of the petitioner.

6.For the reasons aforestated, the HMOP No.110 of 2017 is withdrawn from the file Subordinate Court, Arani and transferred to the Principal Judge, Family Court, Chennai for disposal according to law.

Resultantly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, CMP.No.7787 of 2018 is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sms
To

1. The Subordinate Court, Arani.
- 2.The JUDGE,
Family Court, Chennai,

+2cc to Ms.G.Sharmila, Advocate SR.No.57111

Pre-delivery Order made
in Transfer CMP.No. 307 of 2018
and
CMP.No.7787 of 2018

GJ II
ASK(10/09/2018)