

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.362 of 2018

and

CMP.No.9830 of 2018

S.Tishya ... Petitioner

Vs.

T.Antony Parisutham ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the IDOP No.166 of 2017 pending on the file of the Principal District Court, Thanjavur and transfer the same to the Family Court at Chengalpet.

For Petitioner : Mrs.Auxilia Peter

For Respondent : Mr.J.Antony Jesus

ORDER

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

2.All is not well qua the marital life of the petitioner and the respondent.

3.It is found that the respondent has laid the IDOP No.166 of 2017 against the petitioner for restitution of conjugal rights and the same is pending on the file of the Principal District Court, Thanjavur.

4.The petitioner has levied Domestic Violence Complaint against the respondent and the same is pending on the file of the Judicial Magistrate Court, Tambaram, in DVC No.2 of 2018.

5.Seeking the transfer of the abovesaid proceeding from Thanjavur Court to Chengalpet Family Court, the present transfer petition has been laid by the petitioner on the footing that the petitioner is residing at Perunkalathur, Chennai and finding it difficult and experiencing inconvenience in attending the proceeding at Thanjavur as she has to look after her child and she is also having health problems and no source to defend the proceeding at Thanjavur and accordingly, prayed for the transfer.

6.The respondent would contend that the present transfer petition has been laid by the petitioner

only to harass him and there is no bona fide in the transfer request sought for and according to him, no prejudice or hardship would be caused to the petitioner in attending the proceeding at Thanjavur Court and accordingly, prayed for dismissal of the transfer petition.

7. Admittedly, the Domestic Violence Complaint laid by the petitioner against the respondent is pending on the file of the Judicial Magistrate Court, Tambaram. It is thus found that the respondent would be required to attend the abovesaid proceeding to defend him and in such view of the matter, if the proceeding laid by him at Thanjavur Court is transferred to Chengalpet Court, no serious prejudice would be caused to the respondent as such. Furthermore, the petitioner has put forth certain inconvenience and hardship in attending the proceeding at Thanjavur Court. Further, it is also admitted by the respondent that he is employed at Bangalore. In such view of the matter, if the proceeding is conducted at Chengalpet Court, as rightly put forth by the petitioner, no serious prejudice or loss would be caused to the respondent. Accordingly, it is noted that the petitioner has made out a sound and justifiable cause for seeking the transfer of the proceeding from Thanjavur Court to Chengalpet Court.

8. For the reasons aforestated, IDOP No.166 of 2017 is withdrawn from the file of the Principal District Court, Thanjavur and transferred to the file of the Family Court, Chengalpet for disposal according to law.

Accordingly, the transfer petition is allowed. Consequently, connected CMP No.9830 of 2018 is closed.

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

1. The Principal District Court, Thanjavur.
2. The Family Court at Chengalpet.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.362 of 2018
and
CMP.No.9830 of 2018

18.09.2018