

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.09.2018

PRONOUNCED ON : 20.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.4 of 2018
and
CMP.No.27 of 2018

P.Usha ... Petitioner

Vs.

M.Iyyappan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.176 of 2017 on the file of the Hon'ble Sub-Court at Tiruvannamalai and transfer the same to the Hon'ble Principal Family Court, Chennai.

For Petitioner : Mr.Kingsly Solomon

For Respondent : Ms.Suseela Devi

ORDER

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

2.The respondent has levied HMOP No.176 of 2017 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Thiruvannamalai.

3.Seeking the transfer of the abovesaid proceeding from Thiruvannamalai Court to Chennai Court, the present transfer petition has been laid by the petitioner on the footing that she is finding it inconvenient and experiencing hardship in travelling to Thiruvannamalai Court from Chennai and also during the course of arguments putting forth that inasmuch as the respondent is employed at Bangalore, by transferring the petition to Chennai Court from Thiruvannamalai Court, no serious prejudice or loss would be caused to the respondent and accordingly, prayed for the transfer.

4.The respondent contested the transfer request of the petitioner by putting forth the case that the petition had been laid only to cause hardship to the respondent and accordingly, it is stated that the continuation of the proceeding at Thiruvannamalai Court would not in any manner cause prejudice to the petitioner and therefore, prayed for the dismissal of the petition.

5.The respondent is stated to be employed at Bangalore and the said fact has not been controverted by the respondent during the course of the arguments. Accordingly, it is found that when the respondent is employed at Bangalore, by having the proceeding transferred to Chennai Court, it is

found that the respondent, as such, would not be put to loss or hardship and also no prejudice would be caused to him by way of the same. No doubt, the respondent is stated to be a deaf and dumb person but considering the avocation of the respondent at Bangalore and also the distance between Bangalore and Thiruvannamalai and Bangalore and Chennai, it is found that the proceeding, if conducted at Chennai Court would be beneficial to both the parties and in such view of the matter, in my considered opinion, the petitioner has made out a just cause for effecting the transfer prayed for. That apart, the petitioner has also put forth certain inconvenience and hardship in travelling to Thiruvannamalai for defending the proceeding and the same cannot be easily discarded.

6.For the reasons aforestated, HMOP No.176 of 2017 is withdrawn from the file of the Sub Court at Thiruvannamalai and transferred to the file of the Family Court, Chennai for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.27 of 2018 is closed.

20.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Sub-Court at Tiruvannamalai.
- 2.The Principal Family Court, Chennai.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.4 of 2018
and

CMP.No.27 of 2018

20.09.2018