

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.08.2018

PRONOUNCED ON : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 509 of 2018

M.Dhivya ... Petitioner

Vs.

S.Vinoth Kannan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and transfer the HMOP No.74 of 2018 from the file of the Family Court, Thiruvallur to the file of the Sub-Court, Tambaram.

For Petitioner : Mr.K.N.Nataraj

For Respondent :No Appearance

set exparte vide order

dated 30.08.2018

ORDER

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

2.The marital life between the parties is not cordial.

3.It is found that the respondent has laid a petition in HMOP No.74 of 2018 for dissolution of marriage against the petitioner, which is pending on the file of the Family Court, Thiruvallur.

4.It is further seen that the respondent has levied HMOP No.126 of 2017 against the petitioner for restitution of conjugal rights. Alleging that the respondent unable to get any relief in the abovesaid petition, according to the petitioner, with the intention of harassing her, the respondent has laid the second litigation against her in HMOP No.74 of 2018 as abovestated.

5.Expressing certain inconvenience and hardship in travelling to Thiruvallur Court for defending the divorce proceeding and contending that inasmuch as the place of employment of the respondent is at Shoolinganallur and the petitioner is also a resident of Tambaram and the petitioner is also required to look after her child, accordingly, the petitioner has come forward with the petition seeking transfer of the proceeding from Thiruvallur Court to Sub Court, Tambaram.

6.The respondent, though, had been served in the matter, did not choose to contest the case of the petitioner. Thus, it is found that inasmuch as the reasons adduced by the petitioner for seeking the transfer are genuine and cannot be challenged and in addition to that, the respondent also did not endeavour to contest the same, as no prejudice would be caused to him in having the matter transferred to Tambaram Court, accordingly, it is seen that the respondent had remained exparte in the present proceeding.

7.Considering the reasons putforth by the petitioner for seeking the transfer, being prima facie acceptable and not challenged and no serious prejudice would also be caused to the respondent by transferring the proceeding from Thiruvallur Court to Tambaram Court, in all, the transfer request of the petitioner is accepted.

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

Index : Yes / No

Internet : Yes / No

sms

03.09.2018

To

1.The Family Court, Thiruvallur.

2.The Sub-Court, Tambaram.

T.RAVINDRAN, J.

sms

Pre-delivery Order made

in

Transfer CMP.No. 509 of 2018

03.09.2018