

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. 535 of 2018

and

CMP.No.13213 of 2018

Sowmya ... Petitioner

Vs.

Madhan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.372 of 2018 from the file of the Family Court, Coimbatore and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.R.Nandhakumar

ORDER

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

2.The respondent has laid a petition for dissolution of marriage between the parties in HMOP.No.372 of 2018 and the same is pending on the file of the Family Court, Coimbatore.

3.The petitioner is residing at Chennai. The respondent is stated to be employed at South Africa and the same is not controverted by the respondent. It is seen that as putforth by the respective counsel, the respondent's father is looking after the abovesaid proceeding by attending at Coimbatore Court on his behalf and thus, it is found that the respondent is not directly involved in the abovesaid proceeding laid by him at Coimbatore Court. Now, according to the petitioner, she is a resident of Chennai and living with her mother and therefore, is expressing difficulty in travelling to Coimbatore Court from Chennai on the hearing dates and thereby, would affect both mentally and physically and accordingly, has come forward with the present petition seeking the transfer.

4.Admittedly, the distance between Coimbatore and Chennai is on the higher side. That apart, it is seen that the respondent is employed at South Africa. It is further seen that the respondent's case is being looked after by his father and in such view of the matter, it is seen that by having the proceeding transferred to Chennai, no serious prejudice as such would be caused to the respondent. The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Coimbatore Court. Though the same is not accepted by the respondent, still, it is found that the petitioner would find it difficult to defend the proceeding at Coimbatore Court alone.

5.Considering the fact that the respondent is not directly involved in the proceeding laid by him against the petitioner and on the other hand, his father is looking after the same and accordingly, it is found that if the transfer request of the petitioner is accepted, no prejudice would be caused to the respondent as such. No doubt, his father may be required to attend the proceeding at Family Court, Chennai, however, considering the fact that the presence of the respondent's father may not be required on all the hearing dates and only on the specific date as and when required by the Court and further, when the respondent's father could also seek for exemption from appearing in the divorce proceeding laid by the respondent in the concerned Court in the manner known to law, in all, in my considered opinion, the transfer request of the petitioner can be acceded to.

6.For the reasons aforestated, HMOP No.372 of 2018 is withdrawn from the file of the Family Court, Coimbatore 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.13213 of 2018 is closed.

Index : Yes / No

Internet : Yes / No

sms

03.09.2018

To

1.The Family Court, Coimbatore.

2.The Family Court, Chennai.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in
Transfer CMP.No. 535 of 2018
and
CMP.No.13213 of 2018

03.09.2018