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. 536 of 2018
and
CMP.No.13233 of 2018

K.Bakiyalakshmi ... Petitioner
Vs.

T.Gnanavel ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the matrimonial proceedings in O.P.No.4331/2017 pending on the file of the VII Family Court, at Chennai 600 104 transfer to the Sub-Court at Tambaram.

For Petitioner : Mr.J.Narayanaswamy

For Respondent :Mr.J.Suresh

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 OP No.4331 of 2017 against the petitioner for dissolution of marriage held between the parties as null and void and the same is pending on the file of the VII Additional Judge, Family Court, Chennai.

4.Seeking transfer of the abovesaid proceeding from Chennai Court to Tambaram Court, the present petition has come to be laid by the petitioner on the footing that she is unable to attend the hearing dates of the abovesaid proceeding at Chennai Court and she has to travel from her residence to Chennai by incurring expenses and thereby, her routine work as well as the avocation, she is engaged would be affected and she may loose her income on account of the same and accordingly, has come forward with the petition seeking the transfer.

5.The respondent contested the petitioner's request for transfer by stating that the petitioner is a resident of Perumbakkam, Chennai and considering the distance between Perumbakkam and Chennai not on the higher side and one could reach the Chennai Court from Perumbakkam in 30 to 40 minutes by train travel, it is stated that the reasonings of the petitioner for the transfer on the abovesaid ground is unsustainable. Further, the respondent has also contested the claim of the

petitioner that she is put to monetary loss on account of attending the proceeding at Chennai Court.

6.Considering the distance between Chennai Court and the residence of the petitioner, as rightly putforth by the respondent, is not on the higher side, and if one were to travel by train, the time that could be taken for reaching Chennai from Perumbakkam, at the most, would only be 45 minutes or one hour. In such view of the matter, the contention that the petitioner would be put to inconvenience and hardship in travelling to Chennai from her residence as such cannot be accepted readily.

7.As regards the financial distress that is put to the petitioner in respect of attending the divorce proceeding at Chennai Court, it is always open to the petitioner to move the concerned Court for necessary claim of litigation expenses in the manner known to law. Therefore, the abovesaid ground cannot also be accepted for effecting the transfer.

In all, I am not satisfied with the reasons put forth by the petitioner for seeking the transfer. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected CMP No.13233 of 2018 is closed.

Index : Yes / No
Internet : Yes / No
sms 03.09.2018

T.RAVINDRAN, J.

sms

To

1. The VII Family Court, Chennai.
2. The Sub-Court at Tambaram.

Pre-delivery Order made
in Transfer CMP.No. 536 of 2018
and
CMP.No.13233 of 2018

03.09.2018