

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.542 of 2018

N.Jagadeeswari ... Petitioner
Vs.

M.K.Srinivasan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw of the petition filed in HMOP No.17 of 2018 on the file of the Family Court at Dindigul and transfer the same to Sub Court to Tambaram.

For Petitioner : Mr.B.Singaravelu

For Respondent :Mr.M.Ganesh

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.The respondent has laid a petition in HMOP No.17 of 2018 against the petitioner for divorce and the same is pending on the file of the Family Court, Dindigul.

4.It is found that the petitioner has laid maintenance case against the respondent and the same is pending on the file of the Judicial Magistrate Court, Tambaram.

5.Seeking the transfer of the divorce proceeding pending on the file of the Family Court, Dindigul to Sub Court, Tambaram, the present transfer petition has been laid by the petitioner on the footing that she is residing at Anakaputhur, Chennai and the distance between her residence and Dindigul is on the higher side and that, as she has to look after her child and would not be able to travel to Dindigul to attend the proceeding pending therein and accordingly, also putting forth that she has already laid a maintenance claim at Tambaram Court against the respondent, sought for the transfer as prayed for.

6.The respondent contested the request of the petitioner by putting forth the case that the present transfer petition has been laid only to harass him and there is no justifiable cause projected by the petitioner for seeking the transfer and hence, the transfer petition should be dismissed.

7.As abovenoted, the petitioner has already laid a maintenance claim against the respondent and the same is pending on the file of the Judicial Magistrate Court, Tambaram. It is thus found that the respondent would be required to attend the said proceeding at Tambaram Court. Furthermore, it is

seen that the respondent is employed at Bangalore. Therefore, considering the distance between Bangalore and Dindigul and Bangalore and Tambaram, it is found that the distance between Tambaram and Bangalore is on the lesser side. In such view of the matter, it is seen that no serious prejudice would be caused to the respondent, if the proceeding pending at Dindigul Court is transferred to the Sub-Court, Tambaram for disposal.

8.Furthermore, as putforth by the petitioner, the distance between the petitioner's residence and Dindugal is on the higher side and the same cannot be disputed. Accordingly, furthermore, the petitioner has also put forth health condition in travelling to Dindugal Court and the same is not seriously controverted. In all, it is seen that the sufficient cause is projected by the petitioner for effecting the transfer prayed for.

9.Considering the reasons aforestated particularly, that no serious prejudice would be caused to the respondent in directing the proceeding be tried at Tambaram Court, accordingly, HMOP No.17 of 2018 is withdrawn from the file of the Family Court, Dindigal and transferred to the file of the Sub-Court, Tambaram, for disposal according to law.

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

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Family Court, Dindigul.
- 2.The Sub Court to Tambaram.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.542 of 2018

18.09.2018