

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.09.2018

PRONOUNCED ON:14.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.550 of 2018
and
C.M.P.No.13569 of 2018

U.M.Siddharthini ... Petitioner

Vs.

S.Sathish ... Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.164 of 2018 pending on the file of Family Court, Trichy District and transfer to the Family Court at Chennai.

For Petitioner : Mrs.A.Sri Jayanthi
For Respondent : No appearance
Set exparte
Vide order dated 10.09.2018

O R D E R

Petitioner is the wife. Respondent is the husband.

2. Materials placed on record go to show that the respondent has laid H.M.O.P.No.164 of 2018 against the petitioner for restitution of conjugal rights and the same is pending on the file of the Principal Family Court, Trichy. It is found that the petitioner has entered appearance in the abovesaid matter and also participated in the mediation process.

3.Now, according to the petitioner, she is residing at Chennai and experiencing difficulty, inconvenience and hardship in traveling to Trichy Court to attend the abovesaid proceeding and as she has to look after her son and unable to travel from Chennai to Trichy to attend the abovesaid proceeding along with

her son and accordingly has come forward with this Transfer Miscellaneous Petition, seeking the transfer of the abovesaid proceeding from Family Court Trichy to Family Court, Chennai.

4. Though the respondent had been served, he did not evince interest to contest the transfer request of the petitioner. Accordingly, it is found that the respondent has no cause to project against the transfer request of the petitioner. As above noted, the petitioner has put forth some inconvenience, difficulty and hardship in travelling to Trichy Court and the same is not repudiated by the respondent. The distance between Trichy and Chennai is on the higher side. Further, it is also stated by the petitioner she has to look after son.

5. Considering the fact that the respondent has not evinced interest to contest the transfer request of the petitioner, accordingly, it is found that in the event of the transfer of the proceeding from Trichy Court to Chennai Court, the respondent would not be seriously prejudiced. Thereby in the interest of justice, the transfer request of the petitioner is to be acceded to.

6. For the reasons aforesaid, the H.M.O.P.No.164 of 2018 is withdrawn from the file of Family Court, Trichy and transferred to the file of Principal Family Court, Chennai for disposal according to law. Resultantly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

// True Copy //

Sub Assistant Registrar

mfa
To

1. The Family Court, Trichy.
 2. The Principal, Family Court, Chennai.
- +2cc to Mr.A.Srijayanthi, Advocate, sr. no.62520 and 6902

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RMP (28/09/2018)