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.555 of 2018
and
C.M.P.No.13615 of 2018

C.M.Bemi ...Petitioner

Vs.

B.Praveen ...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the I.D.O.P.No.114 of 2018 on the file of District Judge Court, Kanyakumari at Nagerkoil and transfer the same to the Family Court, Chennai.

For Petitioner : Mrs.P.J.Anitha
For Respondent : Mr.T.N.Sugesh

O R D E R

Petitioner is the wife. Respondent is the husband.

2. All is not well in the marital life between the parties. It is found that the respondent has laid a divorce case against the petitioner in I.D.O.P.No.114 of 2018, which is pending on the file of District Judge, Kanyakumari at Nagerkoil and seeking the transfer of the abovesaid proceeding to Chennai Court, the present Transfer Miscellaneous petition has been filed by the petitioner.

3. On a reading of the Transfer Miscellaneous Petition, it is found that, no cause has been projected by the petitioner for seeking the transfer of the proceeding to Chennai Court. Considering the nature of the proceeding at Kanyakumari court, it is found that the presence of the petitioner may not be required on all the hearing dates and the petitioner being

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represented by an able advocate, it is seen that her advocate would be able to represent the petitioner on the hearing dates, as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date when her evidence is required to be tendered in support of her case. Thus it is found that the distance factor alone by itself would not be sufficient to effect the transfer request prayed for. It is not the case of the petitioner that the Court at Kanyakumari is not having the jurisdiction to try and determine the divorce proceeding laid by the respondent.

4. As above noted, no specific cause has been projected for seeking the transfer of the proceeding from Kanyakumari Court to Chennai Court. As above seen, the distance factor would not be the sole criteria for effecting the transfer. Furthermore, the petitioner could also invoke the jurisdiction of the court concerned for claiming the litigation expenses that she may incur for defending the abovesaid proceeding in the manner known to law.

5.In the light of the abovesaid factors, no sufficient cause having been projected for seeking the transfer, at the end, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

// True Copy//

Sub Assistant Registrar

mfa

To

1.The District Judge Court, Kanyakumari and Nagerkoil.

+1cc to P.J.Anitha, Advocate, sr.no.63705

+1cc to M/s.T.N.Sugesh,Advocate, sr.no.63730(10/10/2018)

Tr.C.M.P.No.555 of 2018
and
C.M.P.No.13615 of 2018

RMP(27/09/2018)

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