

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :11.08.2018

PRONOUNCED ON:14.08.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.562 of 2018

P.Revathy
Vs.
Prabhakaran

...Petitioner
...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.58 of 2018 from the file of the Sub Court, Harur and to transfer the same before the Sub Court, Tiruppur.

For Petitioner : Mr.R.Lakshmi Narayanan

O R D E R

Petitioner is the wife. Respondent is the husband.

2. The petitioner has preferred the Transfer Civil Miscellaneous petition seeking to withdraw H.M.O.P.No.58 of 2018 on the file of the Sub Court, Harur and transfer the same to the file of the Sub Court, Tiruppur for disposal according to law.

3. The respondent/husband has laid H.M.O.P.No.58 of 2018 on the file of the Sub Court, Harur, u/s. 9 of the Hindu Marriage Act, 1958 against the petitioner in respect of conjugal rights. Accordingly, the petitioner/wife has come forward with the present petition of transfer seeking to transfer the above said proceeding from the file of Sub Court, Harur to the file of the Sub Court, Tiruppur on the footing that, she is residing at Tiruppur and it is difficult for her to attend the proceeding at the court of Harur.

4. However, considering the nature of the proceeding pending on the file of the Sub Court, Harur, it is found that there is no need on the part of the petitioner to attend all the hearing dates. When it is seen that the petitioner has been represented by an able advocate and he would be competent to manage the court proceedings as per the instructions of the petitioner and the petitioner's presence would be required only on the hearing date, when her evidence is to be recorded in

support of her version and on the other hearing dates, her advocate could deal with the matter as per law, in such view of the matter, the reason given by the petitioner for seeking the transfer as such cannot be accepted. Other than the above said ground, no other reason has been adduced by the petitioner for effecting the transfer.

5. Though it has been averred in the petition that the Sub Court, Harur lacks in jurisdiction to entertain the H.M.O.P preferred by the respondent, however there is no material placed by the petitioner with reference to the same. Even, the counsel appearing for the petitioner has not pressed that point during the course of hearing. It is thus found that the Sub Court, Harur has the competency to deal with the H.M.O.P laid by the respondent.

6. In the light of the above discussions, when the ground projected by the petitioner for effecting the transfer is found unacceptable, for the reasons afore stated, the transfer request cannot be accepted.

6. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Subordinate Judge,
Sub Court, Harur.

+1cc to Mr.R.Lakshmi Narayanan, Advocate, S.R.No. 55827

PA(CO)
GN(03/09/2018)

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