

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.567 of 2018
and
C.M.P.No.13808 of 2018

S.Vaishnavi ...Petitioner/Respondent

Vs.

R.Murugaraj ...Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.41 of 2018 on the file of the Principal Subordinate Judge, Mayiladuthurai and transfer the same to the Subordinate Judge, Bhavani, Erode District.

For Petitioner : Mr.E.C.Ramesh

O R D E R

Petitioner is the wife. Respondent is the husband.

2.As per the averments contained in the affidavit appended to the petition, it is found that the respondent has laid H.M.O.P.No.41 of 2018 against the petitioner, seeking divorce on the ground of cruelty and the said proceeding is pending on the file of Principal Subordinate Court, Mayiladuthurai.

3.It is not the case of the petitioner that the Principal Subordinate Court, Mayiladuthurai does not have the jurisdiction to try the abovesaid H.M.O.P.

4. The petitioner has laid the petition for seeking transfer of the abovesaid proceeding pending on the file of Principal Subordinate Court, Mayiladuthurai to the file of the Sub Court, Bhavani, on the footing that she could not travel from Bhavani to Mayiladuthurai during the hearing dates, when the matter is adjourned. However, considering the nature of the petition laid by the petitioner, it is found that the presence of the petitioner would not be required on all the hearing

dates. At the most, the petitioner's presence would be required only on the hearing date when her evidence is required to be adduced in support of her case. On the other hearing dates, the petitioner being represented by an able advocate, the advocate could easily deal with the matter during the other hearing dates as per the instructions of the petitioner. In such view of the matter, when the petitioner is found to have engaged an able advocate and would be in a position to deal with the matter, the ground projected by the petitioner for seeking the transfer, as such, cannot be accepted.

5. In the light of the reasons, the ground which had been projected by the petitioner for seeking the transfer is found to be not acceptable.

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

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal Subordinate Judge, Mayiladuthurai.

2. The Subordinate Judge, Bhavani, Erode District. .

+1cc to Mr.E.C.Ramesh Advocate, S.R.No. 56185

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RJ (CO)
GN(04/09/2018)

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