

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.569 of 2018
and
C.M.P.No.13864 of 2018

B.Yuvarani

...Petitioner

Vs.

R.Sabarinathan

...Respondent

Prayer:Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.338 of 2017 on the file of the Subordinate Court, Ponneri and transfer the same to the Subordinate Court, Tambaram.

For Petitioner : Mr.K.Narayanan

O R D E R

The petitioner is the wife. Respondent is the husband.

2. It is found that the respondent has preferred a petition in H.M.O.P.No.338 of 2017 on the file of the Subordinate Court, Ponneri seeking divorce against the petitioner.

3. The petitioner, a resident of East Tambaram, Chennai contending that she has to attend her tender child and also as her parents are aged and therefore the petitioner unable to attend the proceeding pending before the Subordinate Court, Ponneri on all the hearing dates, the petitioner has come forward with the present petition seeking transfer of H.M.O.P.No.338 of 2017 from the file of Subordinate Court, Ponneri to the Subordinate Court, Tambaram.

4. It is not the case of the petitioner that the Subordinate Court, Ponneri does not have the jurisdiction to entertain the

H.M.O.P.No.338 of 2017.

5. The only ground projected by the petitioner is that on account of her tender child she would not been in a position to attend the divorce proceeding pending on the file of the Subordinate Court, Ponneri. However, the distance between the place of the petitioner and the Subordinate Court, Ponneri is found to be not on the higher side. In addition to that, when it is found that the petitioner is being represented by an able advocate in the divorce proceeding at the Sub Court, Ponneri and when the petitioner's presence is not required on all the hearing dates of the divorce proceeding and her advocate could manage the show on the hearing dates of the divorce proceeding as per the instructions of the petitioner and the petitioner's presence at the most would be required only at the time when her evidence is to be tendered in support of her version, it is found that the reasonings given by the petitioner for effecting the transfer as such do not merit acceptance.

6.The contention of the petitioner that inasmuch as she had filed an application under the Domestic Violence Act for maintenance against the respondent, he has chosen to file the divorce petition in the Subordinate Court, Ponneri as such cannot be readily accepted. When the Subordinate Court, Ponneri is found to be competent to deal with the divorce proceeding, the reasons adduced by the petitioner for effecting the transfer, as such cannot be accepted.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Subordinate Court, Ponneri.

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PA (CO)
GSP (04/09/2018)