

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.08.2018

PRONOUNCED ON : 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.Nos.583 & 589 of 2018

and

CMP.Nos.14064 & 14240 of 2018

Vanitha ...Petitioner(in both)

Vs.

Ashokkumar ...Respondent(in both)

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the GWOP No.7 of 2018 on the file of the District Judge, Ramanathapuram and HMOP No.93 of 2017 on the file of the Subordinate Judge, Ramanathapuram and transfer the same to the Family Court at Chennai.

For Petitioner : Mr.C.S.Saravanan

COMMON ORDER

The petitioner is the wife. The respondent is the husband.

2.The marital life between the petitioner and the respondent is not cordial.

3.As seen from the materials placed on record, HMOP No.93 of 2017 has been laid by the petitioner against the respondent for divorce and the same is pending on the file of the Sub-Court, Ramanathapuram. GWOP No.7 of 2018 has been preferred by the respondent against the petitioner seeking custody of the minor son born to them and the same is pending on the file of the District Court, Ramanathapuram.

4.According to the petitioner, she is now presently residing at Valasaravakkam, Chennai as an executive in a private concern and therefore, it is stated that it would be difficult for her to travel from Chennai to Ramanathapuram to attend the hearing dates of the abovesaid proceedings and thereby, she would incur expenses. Considering the expenses and also considering the distance between the two places and also alleging that there would be no safety for her to attend

the proceedings at Ramanathapuram, accordingly, the present petitions have come to be laid by the petitioner seeking transfer of the abovesaid proceedings to the Family Court, Chennai.

5.As above noted, the divorce petition has been laid by the petitioner herself at Sub-Court, Ramanathapuram and the respondent has laid GWOP before the District Court, Ramanathapuram. It is not the case of the petitioner that the abovesaid two Courts are not having the jurisdiction to entertain the respective petitions.

6.Inasmuch as the petitioner has now moved to Chennai from Ramanathapuram, it is found that she has come forward with the present petitions seeking transfer.

7.However, considering the nature of the proceedings initiated and pending between the parties and when it is further noted that the petitioner had engaged an able counsel to conduct the proceedings on her behalf abovestated and when it is further noted that the presence of the petitioner is not required on all the hearing dates of the abovesaid proceedings and her counsel could attend the proceedings on her behalf as per the instructions received from the petitioner and at the most, the petitioner's presence would be required only at the time when her evidence is to be recorded in support of her case, in such view of the matter, the contention of the petitioner that her travel to Ramanathapuram from Chennai for the purpose of attending the hearing dates would cause hardship, as such cannot be readily accepted. As far as the expenses are concerned, it is always open to the petitioner to move the concerned Court for appropriate remedy, if she is legally entitled to the same. As regards the contention that there would be no safety to travel to Ramanathapuram, with reference to the said allegations, when it is found that the petitioner has not placed any material worth acceptance to show that at any point of time the respondent has projected any threat or caused danger to her life or body in any manner, it is seen that the abovesaid reason projected is made only for the purpose of the transfer and not a genuine reason.

8.In the light of the abovesaid factors, I do not sufficient cause to effect the transfers sought for. Consequently, the Transfer Civil Miscellaneous Petitions are dismissed. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

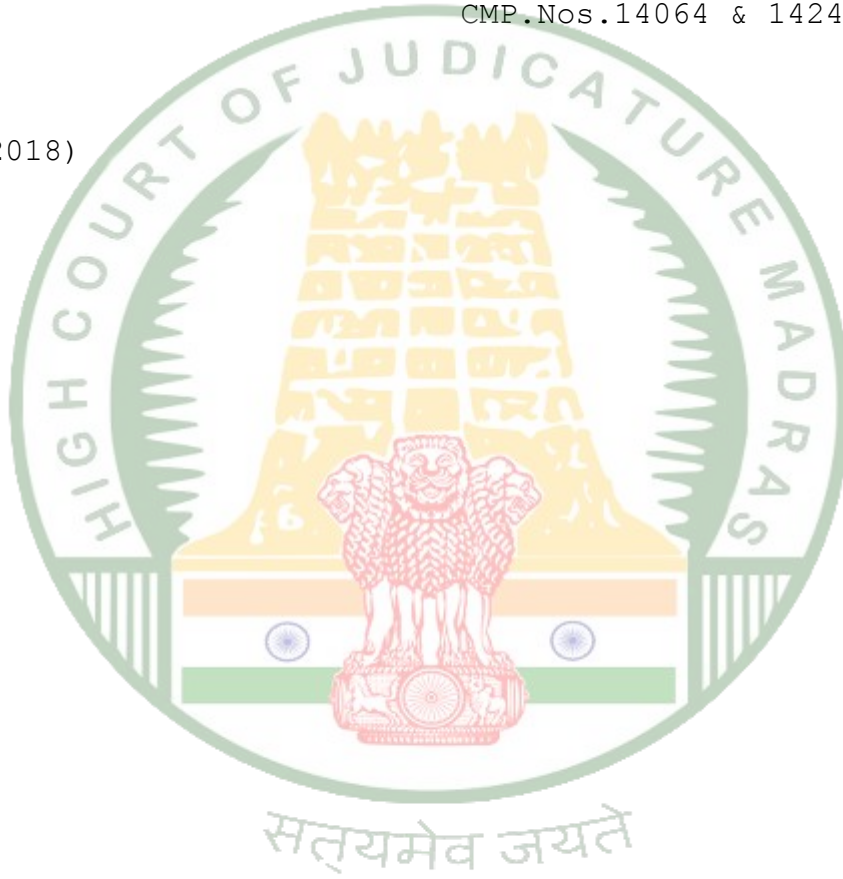
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To

- 1.The District Judge, Ramanathapuram.
- 2.The Subordinate Judge, Ramanathapuram.
- 3.The Judge, Family Court at Chennai.

Transfer CMP.Nos.583 & 589 of 2018
and
CMP.Nos.14064 & 14240 of 2018

GJII(CO)
EU(10/09/2018)



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