

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.584 of 2018

and

CMP.No.14072 of 2018

T.Manjula ... Petitioner

Vs.

M.Tamizhselvan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.64 of 2018 from the file of the Sub Court at Perambalur and transfer the same to the file of Sub Court, Virudhachalam pending therein.

For Petitioner : Mr.C.Arun Kumar

Respondent : No appearance

Set exparte vide order

dated 17.09.2018

ORDER

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

2.All is not well qua the marital life of the petitioner and the respondent.

3.It is found that the petitioner has laid maintenance claim against the respondent in M.C.No.9 of 2017 and the same is pending on the file of the Judicial Magistrate Court No.II, Virudhachalam and as seen from the materials placed on record, the respondent has entered appearance and taking time for filing counter.

4.Meanwhile, it is the case of the petitioner that the respondent has laid HMOP No.64 of 2018 against her on the file of the Sub-Court, Perambalur and accordingly, come forward with the present application seeking the transfer of the said proceeding from Perambalur Court to Sub-Court, Virudhachalam on the footing that she is residing at Virudhachalam and the distance between Perambalur and Virudhachalam is on the higher side and she being a woman, unable to travel alone to defend the proceeding at Perambalur Court and also experiencing hardship and inconvenience in attending the proceeding at Perambalur Court and also putting forth the case that inasmuch as the maintenance case laid by her is pending on the file of the Judicial Magistrate Court No.II, Virudhachalam and the same is to be defended by the respondent, accordingly, contended that no prejudice or inconvenience would be caused to the respondent in transferring the matrimonial case

from Perambalur Court to Virudhachalam Court as prayed for.

5.The respondent, though, had been served in the matter, had not chosen to enter appearance either in person or through his advocate and accordingly, on being called, he remaining absent and has been set exparte.

6.As abovenoted, the maintenance case is pending on the file of the Judicial Magistrate Court No.II, Virudhachalam and the respondent has entered appearance in the said matter, accordingly, it is found that the respondent would be required to visit Virudhachalam for defending the abovesaid proceeding. Thereafter, it is found that the respondent has laid HMOP No.64 of 2018 for restitution of conjugal rights against the petitioner, which is pending on the file of the Sub-Court, Perambalur. The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Perambalur Court and the same is not controverted by the respondent by contesting the present transfer application of the petitioner. Accordingly, it is found that the petitioner has made out a sufficient cause for effecting the transfer as prayed for. By not endeavouring to contest the transfer application, it is found that the respondent also would not be seriously prejudiced in having the proceeding transferred to Virudhachalam Court as prayed for by the petitioner.

7.For the reasons aforestated, in all, the petitioner has made out sound and justifiable cause for accepting the transfer request as prayed for. Resultantly, HMOP No.64 of 2018 is withdrawn from the file of the Sub-Court, Perambalur and transferred to the file of the Sub-Court, Virudhachalam as prayed for.

Accordingly, the Transfer Miscellaneous Petition is allowed. Consequently, connected CMP No.14072 of 2018 is closed.

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Sub Court at Perambalur.
- 2.The Sub Court, Virudhachalam.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.584 of 2018
and
CMP.No.14072 of 2018

18.09.2018