

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.No.592 of 2018
and
CMP.No.14340 of 2018

Usha ... Petitioner

Vs.

Vijaya Ragavan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.484 of 2016 pending before the Subordinate Court at Ponnammallee, Thiruvallur District and transfer the same to the Sub-Court, Sivagangai.

For Petitioner : Mr.R.Karthick Sevugapperumal

ORDER

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

2.The respondent has laid HMOP No.484 of 2016 on the file of the Sub-Court, Ponnammallee, against the petitioner for divorce.

3.It is found that the petitioner has entered appearance in the abovesaid HMOP and been taking time for filing counter.

4.According to the petitioner, since she is looking after her mother, who is bedridden and considering her place at Sivagangai very far-off from Ponnammallee Court and accordingly, sought for the transfer of the divorce proceeding abovestated to the file of the Sub-Court, Sivagangai. As abovenoted, the petitioner has already entered appearance through her counsel in the abovesaid divorce proceeding. Considering the nature of the proceeding, it is seen that the petitioner's presence may not be required on all the hearing dates. The petitioner being represented by an able advocate, it is found that the advocate could attend the hearing dates on her behalf as per the instructions received from the petitioner now and then. 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 reasonings of the petitioner that she is unable to attend the hearing dates at Ponnammallee Sub-Court on account of the long distance between Sivagangai and Ponnammallee as such cannot be readily accepted.

5.It is not the case of the petitioner that Sub-Court, Ponnammallee has no jurisdiction to entertain the divorce proceeding laid by the respondent. The only reason projected by the petitioner for transfer being her inability to attend the hearing dates of the divorce proceeding and when as above noted, her presence is not required on all the hearing dates, accordingly, it is found that the request for transfer made by the petitioner cannot be accepted.

In view of the above factors, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP No.14340 of 2018 is also dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Subordinate Judge at Ponnammallee,
Thiruvallur District.

2.The Subordinate Judge, Sivagangai.

+1cc to Mr.R.Karthick Sevugapperumal , Advocate SR.No. 57502

सत्यमेव जयते

Order made
in Transfer CMP.No.592 of 2018
and

CMP.No.14340 of 2018

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ASK(17/09/2018)