

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.08.2018

PRONOUNCED ON : 29.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 595 of 2018
and
CMP.No.14387 of 2018

Lianne Madonna ... Petitioner/Respondent

Vs.

Uddipta Prafulla Saikia ... Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and transfer the I.D.O.P.No.30 of 2018 pending on the file of the District Court-II, Kancheepuram to the Family Court at Chennai.

For Petitioner : Mr.S.Kinston Jerold

ORDER

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

2.The marital life between the parties is not cordial.

3.It is seen that the respondent has laid divorce proceeding against the petitioner in IDOP No.30 of 2018, which is pending on the file of the District Court-II, Kancheepuram. According to the petitioner, she is residing at Chennai and as the divorce proceeding laid by the respondent is pending on the file of the Kancheepuram Court, she is unable to attend the hearing dates of the abovesaid proceeding and also stated that her parents are residing at Kerala and they are unable to accompany her to Kancheepuram on each and every hearing date and accordingly, prayed for the transfer of the proceeding pending on the file of Kancheepuram Court to the Chennai Court for disposal

4.However, considering the nature of the proceeding pending between the parties in Kancheepuram Court, it is seen that the presence of the petitioner may not be required on all the

hearing dates. The petitioner being represented an able advocate, it is seen that the advocate concerned would be able to manage the show as per the instructions received from the petitioner now and then in respect of the proceeding at Kancheepuram Court. At the most, the petitioner's presence would be required in the Kancheepuram Court only at the time when her evidence is to be recorded in support of her case. Further, considering the distance between Kancheepuram and Chennai, it is seen that the same is not on the higher side. The difficulty expressed by the petitioner is that her parents staying at Kerala would not be able to accompany her on the hearing date at Kancheepuram Court. However, when it is seen that the petitioner's presence would only be required in the Kancheepuram Court on the specific date and not on all the hearing dates and the distance between Kancheepuram and Chennai being not on the higher side, in my considered opinion, there is no need for effecting the transfer sought for by the petitioner. Thus, it is seen that the continuance of the proceeding at Kancheepuram Court is not necessitated to be disturbed and in such view of the matter, the transfer request of the petitioner is declined.

Resultantly, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP.No.14387 of 2018 is also dismissed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

sms

To

1.The District Judge, सतयमेव जयते
District Court-II, Kancheepuram.

+1cc to Mr.Kingston Jerold, Advocate, S.R.No.59083

Transfer CMP.No. 595 of 2018
and
CMP.No.14387 of 2018

SR(CO)
GN(11/09/2018)