

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.08.2018

PRONOUNCED ON : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 613 of 2018

and

CMP.No.15012 of 2018

Kanniyammal @ V.Iswariya ... Petitioner

Vs.

A.Murugesan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.47 of 2018 pending on the file of the Sub-Court, Krishnagiri and transfer to the file of the Family Court at Vellore.

For Petitioner : Mr. M.Deivanandam

ORDER

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

2.The respondent has laid divorce proceeding against the petitioner in HMOP No.47 of 2018, which is pending on the file of the Sub-Court, Krishnagiri.

3.Contending that the petitioner is a resident of Vellore District and living with her parents and unable to travel to Krishnagiri and accordingly, has come forward with the petition seeking for the transfer of the abovesaid divorce proceeding to the Family Court, Vellore.

4.Considering the nature of the proceeding between the parties, 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 petitioner's advocate would be able to defend the proceeding on her behalf in the divorce proceeding as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the date of hearing when her evidence is to be recorded in support of her case. In such view of the matter, the argument putforth by her counsel that the petitioner's presence would be required on all the hearing dates, as such, cannot be readily countenanced. Further, considering the fact that the distance between the petitioner's place of residence and the Court at Krishnagiri, in my considered opinion, it is not on the higher side and the petitioner being a very young lady, it is found that she may not be having any physical inability to travel to Krishnagiri Court as and when her presence is required.

In the light of the foregoing reasons, the request for transfer is found to be not justifiable and also unacceptable. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected CMP.No.15012 of 2018 is closed.

Index : Yes / No

Internet : Yes / No

sms

03.09.2018

To

1.The Sub-Court, Krishnagiri.

2.The Family Court at Vellore.

T.RAVINDRAN, J.

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Pre-delivery Order made
in Transfer CMP.No. 613 of 2018
and
CMP.No.15012 of 2018

03.09.2018