

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.08.2018

PRONOUNCED ON : 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 615 of 2018

R.Shanthi ... Petitioner

Vs.

R.J.Mohan Ram ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw and order transfer of the O.P.No.239 of 2018 on the file of the Sub-Court, Tambaram to the Sub-Court at Namakkal.

For Petitioner : Mr.S.Kalyanaraman

ORDER

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

2.It is found that the respondent has laid O.P.No.239 of 2018 for dissolution of marriage against the petitioner and the same is pending on the file of the Sub-Court, Tambaram.

3.The petitioner has laid a petition seeking the transfer of the abovesaid proceeding from Tambaram to Namakkal Sub-Court on the footing that she is a resident of Namakkal and under the care of her parents and the respondent has also not paid any maintenance to her and therefore, expressing certain hardship and inconvenience in travelling to Tambaram Court from Namakkal, accordingly, prayed for the transfer of the proceeding from Tambaram to Namakkal Court.

4.Considering the nature of the proceeding between the parties, in my considered opinion, the presence of the petitioner may not be required on all the hearing dates. It is found that the petitioner is being represented by an able advocate. In such view of the matter, the petitioner's advocate could very well attend the hearing dates of the transfer proceeding at Tambaram Sub-Court on her behalf as per the instructions received from the petitioner now and then. At the most, the petitioner would be required to be present in the Tambaram Sub-Court on the hearing date, when her evidence is to be recorded in support of her case. In such view of the matter, it is found that the ground of inconvenience projected by the petitioner for effecting the transfer i.e. to transfer the proceeding pending on the file of the Tambaram Court to the Sub-Court, Namakkal as such cannot be acceded to.

5.As regards the financial constraints that may be put to the petitioner, it is always open to the petitioner to move the concerned Court for seeking the necessary litigation expenses that she may incur in defending the proceeding laid against her by the respondent in the manner known to law. Thus, the above cause projected by the petitioner could not be acceded to for effecting the transfer. In all, I do not find justifiable cause for accepting the transfer request of the petitioner.

For the reasons aforestated, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

10.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Sub-Court, Tambaram.
- 2.The Sub-Court at Namakkal.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No. 615 of 2018

10.09.2018