

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 18.09.2018

PRONOUNCED ON : 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.623 of 2018

and

CMP.No.15230 of 2018

G.Jothi ... Petitioner

Vs.

R.Madhusudhanan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the above HMOP No.81 of 2017 on the file of the Hon'ble Subordinate Judge at Ponneri and transfer the same to the file of the Family Court in Chennai.

For Petitioner :Mr.T.V.Vineeth Kumar

For Respondent :Mr.R.Krishna Swamy

ORDER

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

2.The first respondent has preferred divorce case against the petitioner in HMOP No.81 of 2017 and the same is pending on the file of the Sub-Court, Ponneri.

3.Seeking the transfer of the abovesaid proceeding from Ponneri Court to Family Court, Chennai, the petitioner has laid the transfer petition on the footing that she is finding it inconvenient and difficult in travelling to Ponneri Court to defend the divorce proceeding as the distance between her residence and the Ponneri Court is on the higher side. She would also state that her parents are suffering from various ailments and unable to accompany her to the Ponneri Court on all the hearing dates.

4.The respondent has contested the transfer claim of the petitioner and contended that the distance between the petitioner's residence and Ponneri is not on the higher side and therefore, no prejudice would be caused to the petitioner in continuing the proceeding at Ponneri Court and accordingly, prayed for the dismissal of the transfer petition.

5. On a perusal of the transfer petition, it is found that in the body, the petitioner had prayed for the transfer of the case from Ponneri Court to Family Court at Chennai or to the Sub-Court, Poonamallee. However, in the prayer column, the petitioner has struck off the Sub Court, Poonamallee and only prayed for the transfer of the proceeding to the Family Court, Chennai.

6. Be that as it may, during the course of arguments, the respondent's counsel contended that if the proceeding is transferred to Chennai Court, he being the resident of Kummidipoondi, Thiruvallur District would find it difficult and experiencing hardship in attending the proceeding and accordingly, via media suggested that the proceeding be transferred to the Poonamallee Sub-Court for adjudication. The counsel for the petitioner also did not seriously contest the abovesaid suggestion put forth by the respondent's counsel.

7. Considering the fact that the Sub-Court, Poonamallee is located midway between the residence of the petitioner as well as the respondent, in my considered opinion, the determination of the abovesaid proceeding by the Sub-Court, Poonamallee would be in the interest of all the parties and by way of the same, no serious prejudice would be caused to either of them.

8. In the light of the abovesaid factors, HMOP No.81 of 2017 is withdrawn from the file of the Sub-Court, Ponneri and transferred to the file of the Sub-Court, Poonamallee for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is ordered. Consequently, connected CMP.No.15230 of 2018 is close

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Subordinate Court, Ponneri.
2. The Sub-Court, Poonamallee

+1cc to Mr. Ajoy Khosa Advocate SR.NO.64940

MG (Co)

sm:23.10.2018

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