

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.09.2018

PRONOUNCED ON : 12.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.647 of 2018

and

CMP.No.16004 of 2018

M.Meera ...Petitioner

Vs.

D.Boopathi ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to transfer HMOP No.240 of 2018 pending on the file of the Hon'ble Principal Sub Judge, Thirupur to Principle Sub-Judge, Gobichettipalayam.

For Petitioner : Mr.Ramya V Rao

ORDER

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

2.The respondent has laid a petition in HMOP No.240 of 2018 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Tirupur.

3.Seeking the transfer of the abovesaid proceeding to Principal Sub Court, Gobichettipalayam, the present transfer petition is laid by the petitioner on the footing that she is not having independent income and dependent on her father and she finds it inconvenient and put to hardship in travelling to Tirupur from Gobichettipalayam and accordingly, seeks the transfer of the proceeding as abovestated.

4.Considering the nature of the proceeding abovestated, it is seen that the presence of the petitioner may not be required on all the hearing dates. The petitioner being represented by an able advocate, it is found that her advocate would be able to attend the hearing dates of the proceeding on behalf of the petitioner as per the instructions received from the petitioner now and then. At the most, the petitioner would be required to be present in the Court only on the hearing date, when her evidence is to be recorded in support of her case. Therefore, the distance factor projected by the

petitioner for transferring the proceeding as such cannot be readily accepted.

5.As regards the financial constraints put forth by the petitioner, it is always open to the petitioner to move the concerned Court for litigation expenses to defend the proceeding laid by the respondent against her as per law. Therefore, the abovesaid factor cannot be a ground for effecting the transfer as prayed for.

6.The petitioner has also putforth that she may be put to danger in the event of her travelling to Tirupur for defending the proceeding at the hands of the respondent. However, there is no material placed by the petitioner to show that at any point of time, the respondent has wielded any threat exposing danger to her life and body. Such being the position, it is seen that the abovesaid cause has been projected by the petitioner only for the purpose of the case.

7.Furthermore, the distance between Tirupur and Gobichettipalayam is found to be not on the higher side. It is also noted that it is not the case of the petitioner that Tirupur Sub Court is not having the jurisdiction to try and determine the divorce proceeding laid by the respondent.

In the light of the above factors, I do not find sufficient cause for accepting the transfer request of the petitioner. Resultantly, the Transfer Miscellaneous Petition is dismissed. Consequently, connected CMP No.16004 of 2018 is also dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Principal Sub Judge, Thirupur.
- 2.The Principle Sub-Judge, Gobichettipalayam.

Transfer CMP.No.647 of 2018
and
CMP.No.16004 of 2018

(CS-IX)
EU(27/09/2018)