

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.666 of 2018

and

CMP.No.16478 of 2018

Mala ... Petitioner

Vs.

1.Manogaran

2.Partison Remi ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in HMOP No.88 of 2017 on the file of the Hon'ble Principal Sub Judge, Cuddalore and to transfer the same to the Family Court, Puducherry.

For Petitioner : Mr.S.C.Vishwanath

ORDER

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

2.The first respondent has laid divorce petition against the petitioner in HMOP No.88 of 2017 and the same is pending on the file of the Sub-Court, Cuddalore.

3.Seeking the transfer of the abovesaid proceeding to Family Court, Puducherry, on the footing that she is residing at Puducherry and experiencing inconvenience and hardship in attending the proceeding at Cuddalore as she has to lookafter her son and accordingly, prayed for the transfer.

4.Considering the residence of the petitioner at Puducherry and the proceeding at Cuddalore Court, it is seen that the distance between Puducherry and Cuddalore is not on the higher side. In such view of the matter, to say that the petitioner is unable to attend the proceeding at Cuddalore Court, by way of travelling to Cuddalore Court from Puducherry as such cannot be readily accepted. Furthermore, considering the nature of the proceeding at Cuddalore Court, it is found 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 her able advocate could very well manage the show by attending the proceeding on her behalf at Cuddalore Court during her absence as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date, when her evidence is to be recorded in support of her case. Therefore, the contention of the petitioner that she finds it inconvenience and experiencing hardship in attending

the proceeding at Cuddalore Court on the ground of distance factor as such cannot be readily accepted.

5.It is not the case of the petitioner that the Cuddalore Court is not having the jurisdiction to try and determine the divorce proceeding laid by the respondent against her.

For the reasons aforestated, I do not find sufficient cause to accept the transfer petition prayed for. Resultantly, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP.No.16478 of 2018 is also dismissed.

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Principal Sub Court, Cuddalore.
- 2.The Family Court, Puducherry.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.666 of 2018
and
CMP.No.16478 of 2018

18.09.2018