

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.09.2018
PRONOUNCED ON:11.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.78 of 2018
and
C.M.P.No.2275 of 2018

R.Sofiya

...Petitioner

Vs.

S.Ezhilmani

S/o Selvam

C/o Marimuthuvel, Thanjavur District.

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the above H.M.O.P.No.2 of 2018 from the Sub Court, Pudukkottai to the Family Court, Chennai.

For Petitioner : Mr.M.Sarfudeen Ali Ahamed

For Respondent : No representation
No appearance
Set exparte
Vide order dated 03.09.2018

O R D E R

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

2. The respondent has laid divorce petition against the petitioner in H.M.O.P.No.2 of 2018 and the same is pending on the file of the Subordinate Court, Pudukottai. Putting forth the case that the petitioner is a resident of Chennai and having a small baby to look after, the petitioner has put forth certain inconvenience and hardship in traveling to Pudukottai for attending the divorce proceeding and accordingly prayed for the transfer of the abovesaid proceeding from Pudukottai Court to Chennai Court. It is also stated by the petitioner that the respondent is working at Chennai and accordingly no serious prejudice would be caused to the respondent for having the proceeding tried and determined at Chennai Court.

3. The respondent though had been served, had not evinced interest to contest the case of the petitioner. Accordingly, he having been called and remaining absent, been set exparte.

4. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Pudukottai court. The petitioner is also required to look after her small child. The abovesaid factors had not been controverted by the respondent. The petitioner says that she is a resident of Chennai. The respondent is also stated to be working at Chennai and the abovesaid fact is not repudiated by the respondent. Accordingly, it is seen that, if the proceeding is conducted at Chennai court, the same would be beneficial to both the parties and by way of the same, no serious prejudice would be caused to the respondent. Accordingly, the interest of justice would be advanced, if the matter is heard and determined by the Court at Chennai.

5. For the reasons aforestated, H.M.O.P.No.2 of 2018 is withdrawn from the file of the Subordinate Court, Pudukottai and transferred to the file of the Principal Judge, Family Court, Chennai for disposal according to law. Accordingly, the Transfer Civil Miscellaneous Petition is Allowed. Consequently, connected miscellaneous petition, if any, is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

mfa

To

1. The Subordinate Judge, Pudukkottai.

2. The Principal Judge
Family Court, Chennai.

+1 CC to Mr.M.Sarfudeen Ali Ahamed, Advocate sr 63278.

Tr.C.M.P.No.78 of 2018
and
C.M.P.No.2275 of 2018

VD(CO)
SP(26/09/2018)