

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :20.09.2018

PRONOUNCED ON:25.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.10 of 2018

Kirthika

...Petitioner

Vs.

Balaji

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.95 of 2017 pending on the file of the Subordinate Court, Tindivanam and to transfer the same to the file of the Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakash babu

For Respondent : No appearance
Set exparte
Vide order dated 20.09.2018

O R D E R

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

2. The respondent has levied the divorce case against the the petitioner in H.M.O.P.No.95 of 2017 on the file of the Subordinate Court, Tindivanam. Now, according to the petitioner, she is residing at Thiruvannamalai and her marriage with the respondent was solemnized at Thiruvannamalai only and she and the respondent never set up a matrimonial home at Tindivanam and therefore, it is her case that, the court at Tindivanam is not having the jurisdiction to try and determine the matrimonial proceeding laid by the respondent. That apart, the petitioner has also put forth the case that she is experiencing difficulty and hardship in travelling from Thiruvannamalai to Tindivanam to defend the matrimonial proceeding and also apprehends danger at the hands of the

respondent in the event of attending the proceeding at Tindivanam and also putting forth the case that the respondent would not be put to any loss or hardship, if the proceeding is conducted and determined at Thiruvannamalai Court, further, stated that the respondent is employed in U.S.A and accordingly, has come forward with the present petition seeking the transfer of the matrimonial proceeding from Tindivanam Court to Thiruvannamalai Court.

3. In this matter, though the respondent had been served, he has not evinced interest to enter appearance and resist 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 Tindivanam Court. The abovesaid reasons projected by the petitioner are not challenged by the respondent. Thus, it is found that the petitioner has come forward with the genuine cause for seeking transfer of the proceeding from Tindivanam Court to Thiruvannamalai Court. It is also the case of the petitioner that the Court at Tindivanam is not having the jurisdiction to try the matrimonial proceeding laid by the respondent. The said fact is also not contested by the respondent in this transfer petition. Furthermore, when the respondent is stated to be working at U.S.A, the conduct of the proceeding at Thiruvannamalai Court as prayed for by the petitioner would cause no serious prejudice to the respondent and accordingly, it is found that he has also not shown any inclination to challenge the transfer request of the petitioner as abovenoted. Thus, it is noted that the petitioner is made out a sufficient cause for acceding to the transfer prayer made in the petition.

5. For the reasons aforesaid, H.M.O.P.No.95 of 2017 is withdrawn from the file of the Subordinate Court, Tindivanam and transferred to the file of the Principal Subordinate Court, Thiruvannamalai for disposal as per law. Accordingly, the Transfer Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mfa

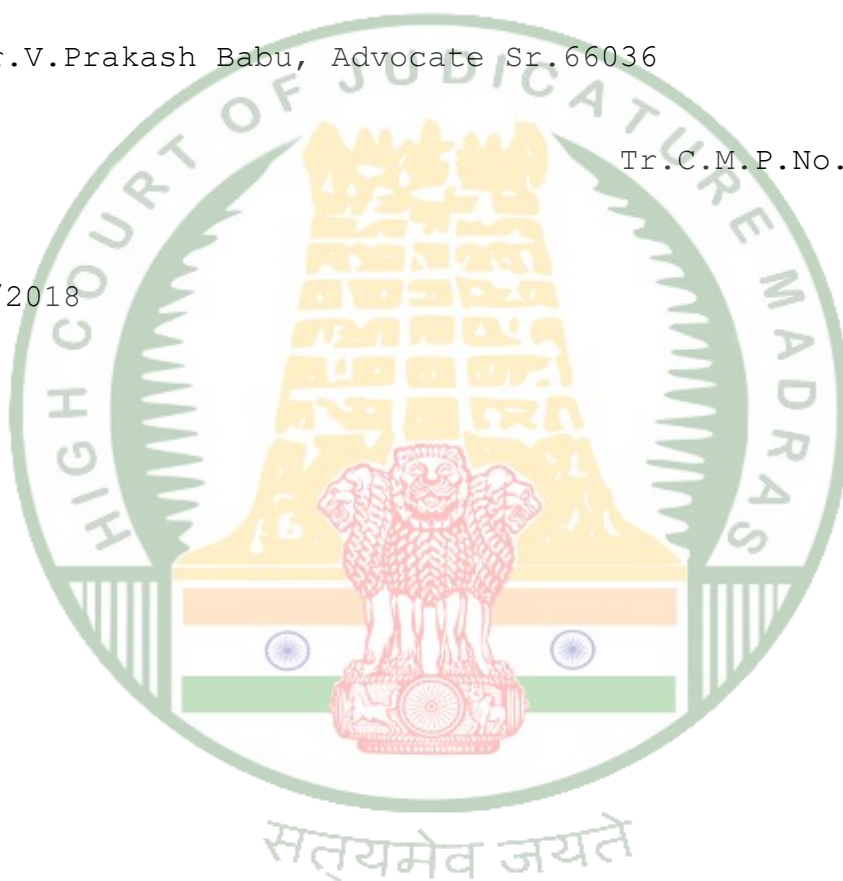
To

1. The Subordinate Court,
Tindivanam.
- 2 .The Principal Subordinate Court,
Tiruvannamalai.

+1cc to Mr.V.Prakash Babu, Advocate Sr.66036

Tr.C.M.P.No.10 of 2018

srg 11/10/2018



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