

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 31.10.2018

PRONOUNCED ON : 02.11.2018

CORAM:THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.313 of 2018

and

C.M.P.No.7908 of 2018

B.Sheeba Preethi @ Preethi

...Petitioner

Vs.

A.Arockia Yesu Raj

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the petition in I.D.O.P.No.59 of 2017 on the file of the Family Court, Madurai to the Sub Court at Kancheepuram.

For Petitioner: M/s.Swathi Subramaniam

For Respondent: No representation

No appearance

Set exparte

O R D E R

Petitioner is the wife. Respondent is the husband.

2. Seeking dissolution of the marriage, the respondent has levied I.D.O.P.No.59 of 2017 against the petitioner and the same is pending on the file of the Family Court, Madurai.

3. Seeking transfer the of the abovesaid proceeding to Kancheepuram court, the petitioner has preferred the transfer petition putting forth the case that she is residing at Kancheepuram with her parents and also studying M.Sc., Medical Physics at Kancheepuram and considering the distance between Kancheepuram and Madurai being on the higher side, she is finding it difficult to defend the case by attending the proceeding at Madurai court and furthermore she would be forced to incur additional expenses in defending the proceeding at Madurai court and contended that by way of the proceeding being conducted at Kancheepuram court, no serious loss or hardship would be caused to the respondent and accordingly prayed for the transfer.

4. In this matter, though the respondent had entered appearance through his advocate, at the time of hearing of the matter, as there was no representation on the side of the

respondent and the respondent being called and remaining absent, he has been set exparte.

5. The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Madurai court. The petitioner is found to be a resident of Kancheepuram and also undergoing higher education at Kancheepuram. The reasons projected by the petitioner for the transfer has not been controverted by the respondent by contesting the transfer request of the petitioner. Considering the distance between Kancheepuram and Madurai, being on the higher side and also the inconvenience and hardship that the petitioner may face in attending the proceeding at Madurai court, not having been controverted by the respondent as such and when the respondent is also not shown to be having any prejudice being caused by him in the event of the proceeding being conducted at Kancheepuram court, in all, it is found that the petitioner has made out a justifiable case for acceding to the transfer request put forth by her.

6. For the reasons aforestated, the I.D.O.P.No.59 of 2017 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Subordinate Court, Kancheepuram for disposal as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Family Court,
Madurai.

2.The Subordinate Judge,
Sub Court at Kancheepuram.

+1cc to Mr.R.Prem Narayanan, Advocate, S.R.No.75524

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RV(CO)
rrs 30/11/2018