

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.10.2018

PRONOUNCED ON : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.441 of 2018
and
CMP.No.11228 of 2018

Pragadeeswari ... Petitioner
Vs.
Aranganathan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.63 of 2018 pending on the file of Family Court, Dindugul and transfer the same to Subordinate Court, Dharapuram by appreciating the abovesaid facts and circumstances of the case.

For Petitioner : Mr.M.Guruprasad

For Respondent : No appearance
set exparte vide order
dated 10.10.2018

ORDER

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

2.The respondent has levied HMOP No.63 of 2018 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Dindugul. The petitioner has levied maintenance case against the respondent in MC No.8 of 2018 and the same is pending on the file of the Judicial Magistrate Court, Dharapuram.

3.Seeking transfer of the matrimonial proceeding of the respondent from the Family Court, Dindugul to Sub-Court, Dharapuram, the transfer petition has been laid by the petitioner on the footing that she is a resident of Dharapuram and unable to attend the proceeding at Dindugul Court, considering the long distance between her residence and Dindugul and also contended that the respondent being required to defend the maintenance case at Dharapuram Court, the respondent would not be put to loss and hardship to attend the proceeding at Dharapuram Court and accordingly, prayed for the transfer.

4.Insofar as this matter is concerned, despite the service of notice on the respondent, the respondent has not chosen to contest the transfer request of the petitioner and accordingly, he having being called and remaining absent, and thereby, set exparte.

5.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Dindugul Court and the same is not repudiated by the respondent by contesting the transfer request

putforth by the petitioner. Furthermore, the respondent would be required to defend the maintenance case levied by the petitioner and the same is pending on the file of the Judicial Magistrate Court, Dharapuram. In such view of the matter, it is seen that the respondent would not be seriously prejudiced, if the matrimonial proceeding laid by him is transferred to Dharapuram Court from the file of the Dindugul Court as prayed for, accordingly, it is seen that the respondent had also not evinced any interest to challenge the transfer request of the petitioner.

6.Considering the above factors, it is found that the petitioner has made out a sufficient cause for acceding to the transfer request projected by the petitioner. Resultantly, HMOP No.63 of 2018 is withdrawn from the Family Court, Dindugul and transferred to the Sub-Court, Dharapuram for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.11228 of 2018 is also closed.

Index : Yes / No

Internet : Yes / No

sms 12.10.2018

To

1.The Family Court, Dindugul.

2.The Subordinate Court, Dharapuram.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.441 of 2018
and
CMP.No.11228 of 2018

12.10.2018