

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.09.2018

PRONOUNCED ON : 26.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 477 of 2018

and

CMP.No.11842 of 2018

G.Manimekalai ... Petitioner

Vs.

G.Gopi ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.25 of 2018 from the file of the Subordinate Court, Attur and transfer the same to the file of the Subordinate Court, Poonamallee.

For Petitioner : Mr.T.Sai Krishnan

For Respondent : No appearance

set exparte vide order

dated 25.09.2018

ORDER

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

2.The respondent has laid the divorce case against the petitioner in HMOP No.25 of 2018 and the same is pending on the file of the Sub-Court, Attur.

3.Seeking the transfer of the abovesaid proceeding from Attur Court to Poonamallee Court, the petitioner has laid the present transfer petition on the footing that she had been thrown out of the matrimonial home along with her daughter by the respondent and now, living with her aged parents at Chennai and unable to defend the proceeding at Attur, which is situated far away from her place of residence and also she has no support to manage her affairs during her absence and accordingly, prayed for the transfer.

4.In this matter, though the respondent has been served, he has not chosen to enter appearance and contest the transfer request of the petitioner and resultantly, he being called and remaining absent and has been set exparte.

5.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Attur Court for defending the divorce case laid against her by the respondent. Admittedly, the distance between the petitioner's residence and Attur Court is on the higher side and the same

cannot be discarded. Further more, the cause projected by the petitioner for seeking the transfer has not been repudiated by the respondent as such. Thus, it is found that the petitioner has made sufficient cause for effecting the transfer as prayed for. Accordingly, it is also noted that inasmuch as the respondent has not challenged the transfer request, by way of the same, it is found that the respondent has no prejudice in having the proceeding tried at Poonamallee Sub-Court as prayed for.

6.For the reasons aforestated, HMOP No.25 of 2018 is withdrawn from the file of the Subordinate Court, Attur and transferred to the file of the Subordinate Court, Poonamallee for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.11842 of 2018 is closed.

26.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Subordinate Court, Attur.
- 2.The Subordinate Court, Poonamallee.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No. 477 of 2018
and
CMP.No.11842 of 2018

26.09.2018