

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :20.09.2018

PRONOUNCED ON:26.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.546 of 2018
and
C.M.P.No.13529 of 2018

Kavitha

...Petitioner

Vs.

P.Kamalakannan

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.S.No.282 of 2017 pending on the file of the District Court, Chengalpet and to transfer the same to the Additional District Court at Poonamallee to conduct this case in Poonamallee.

For Petitioner : Mr.T.K.S.Bharathy Anandraj

For Respondent : No appearance
Set exparte
vide order dated 20.09.2018

O R D E R
सत्यमेव जयते

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

2.All is not well qua the marital life of the parties. Materials placed on record go to show that the petitioner has levied a criminal case against the respondent on the footing that she and her son had been attacked by the respondent and the same is pending on the file of the Judicial Magistrate Court No.I, Poonamalle in C.C.No.1 of 2017. It is further noted that the petitioner has laid a maintenance case against the respondent on her behalf and on behalf of her children in M.C.No.4 of 2017 and the same is pending on the file of the Judicial Magistrate Court No.II, Poonamallee. Domestic Violence

case laid by the petitioner in D.V.No.12 of 2017 is pending on the file of the Judicial Magistrate Court No.II, Poonamallee. It is further noted that the respondent has laid O.S.No.74 of 2017 against the petitioner for the relief of declaration that he is the absolute owner of the suit property involved therein purchased by him and the petitioner and the same is pending on the file of the Subordinate Court, Poonamallee. Furthermore, it is also noted that the respondent has laid another suit in O.S.No.282 of 2017 on the file of the District Court, Chengalpat against the petitioner for the relief of declaration that he is the absolute owner of the joint property involved in the abovesaid case at Pammal village, Alandur Taluk. Thus, it is noted that several proceedings are pending between the parties, four at Poonamallee courts and one at Chengalpat court as abovenoted. Putting forth that various litigations are between the parties in different forums and accordingly the petitioner is finding it difficult and experiencing hardship in conducting /defending all the proceedings at different courts, particularly, defending the proceeding at Chengalpat court and also needed to look after her children and particularly, she had been necessitated to look after and handle her disabled child, accordingly, come forward with the present petition seeking transfer of the suit O.S.No.282 of 2017 pending on the file of the District court, Chengalpat to the Additional District Court, Poonamallee.

3.The respondent though had been served in this matter had not chosen to resist the transfer request of the petitioner and accordingly, the respondent having been called and remaining absent, been set exparte.

4.As abovenoted, several proceedings are pending between the parties at Poonamallee courts. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Chengalpat court and accordingly, prayed for the transfer of the same to Poonamallee court. The abovesaid case projected by the petitioner for seeking the transfer is not challenged by the respondent. Furthermore, it is noted that the petitioner has to look after her disabled child. Therefore, it is seen that she would be having difficulty and hardship in attending the proceeding at Chengalpat court far away from her residence.

5.Considering the above said factors in toto, it is seen that the petitioner had made out sufficient cause for accepting the transfer request, for the transfer of the proceeding from District Court, Chengalpat to Poonamallee court. By way of the same, the respondent would also not be put to any serious loss and hardship.

6. For the reasons aforesated, O.S.No.282 of 2017 is withdrawn from the file of the District Court, Chengalpat and transferred to the file of the II Additional District and Sessions Court, Poonamallee for disposal according to law. Accordingly, the Transfer Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any is closed.

Sd/-
Deputy Registrar

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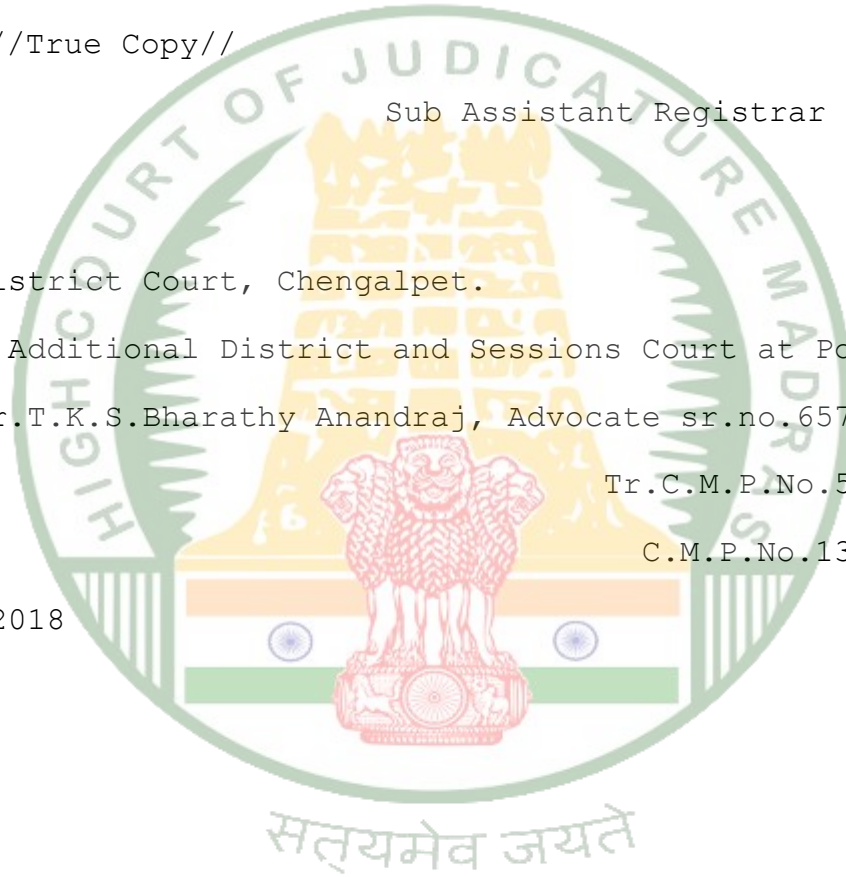
Sub Assistant Registrar

To

1. The District Court, Chengalpet.
 - 2.The II Additional District and Sessions Court at Poonamallee.
- +1cc to Mr.T.K.S.Bharathy Anandraj, Advocate sr.no.65722

Tr.C.M.P.No.546 of 2018
and
C.M.P.No.13529 of 2018

nr 16/10/2018



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