

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.10.2018

PRONOUNCED ON : 22.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 582 of 2018
and
CMP.No.14032 of 2018

P.Nagajothi ... Petitioner

Vs.

A.Divakar ... Respondents

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.39 of 2018 on the file of the Sub-Court, Gobichettipalayam and transfer the same to the file of the Sub-Court, Pollachi having competent jurisdiction.

For Petitioner : Mr.K.Govi Ganesan
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 a divorce case against the petitioner in HMOP No.39 of 2018 and the same is pending on the file of the Sub-Court, Gobichettipalayam. It is found that the petitioner has levied Domestic Violence Case against the respondent and the same is pending on the file of the Judicial Magistrate Court, Pollachi.

3.Seeking transfer of the matrimonial proceeding of the respondent from Gobichettipalayam Court to Pollachi Court, the present transfer petition has been laid by the petitioner on the footing that she is a resident of Pollachi and considering the distance between her residence and Gobichettipalayam Court being more than 110 Kilometres, she finds it difficult and inconvenient to attend the proceeding at Gobichettipalayam Court

and also, she has to look after her school going children and furthermore, she is also working as a Postwoman in Somanthurai Post Office and she is the only postwoman in that post office and accordingly, her presence is very much needed for the duties attached to the post office and she cannot avail leave and therefore, prayed for the transfer.

4. In so far as this case is concerned, the respondent has not chosen to contest the transfer request of the petitioner, despite being served and accordingly, he having been called and remaining absent, been set *ex parte*.

5. The petitioner has put forth various reasons for the transfer of the matrimonial proceeding of the respondent from Gobichettipalayam Court to Pollachi Court and the respondent has not chosen to challenge the same. In such view of the matter, it is seen that inasmuch as the petitioner has projected acceptable cause unable to challenge the same, the respondent had remained absent. Furthermore, the reasons given by the petitioner for effecting the transfer are also found to be genuine and considering the avocation of the petitioner and her presence at Pollachi for looking after her school going children and also considering the distance factor, in all, it is seen that the petitioner has projected sufficient cause for acceding to the transfer request made by her.

6. Furthermore, the respondent would be required to attend the DV case laid against him by the petitioner at the Judicial Magistrate Court, Pollachi and in such view of the matter, if the matrimonial proceeding laid by him is transferred from Gobichettipalayam Court to Pollachi Court, it is seen that he would not put to any serious loss and hardship.

7. For the reasons *aforestated*, the transfer petition laid by the petitioner is entitled for acceptance. Resultantly, HMOP No.39 of 2018 is withdrawn from the file of the Sub-Court, Gobichettipalayam and transferred to the file of the Sub-Court, Pollachi for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.14032 of 2018 is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sms

To

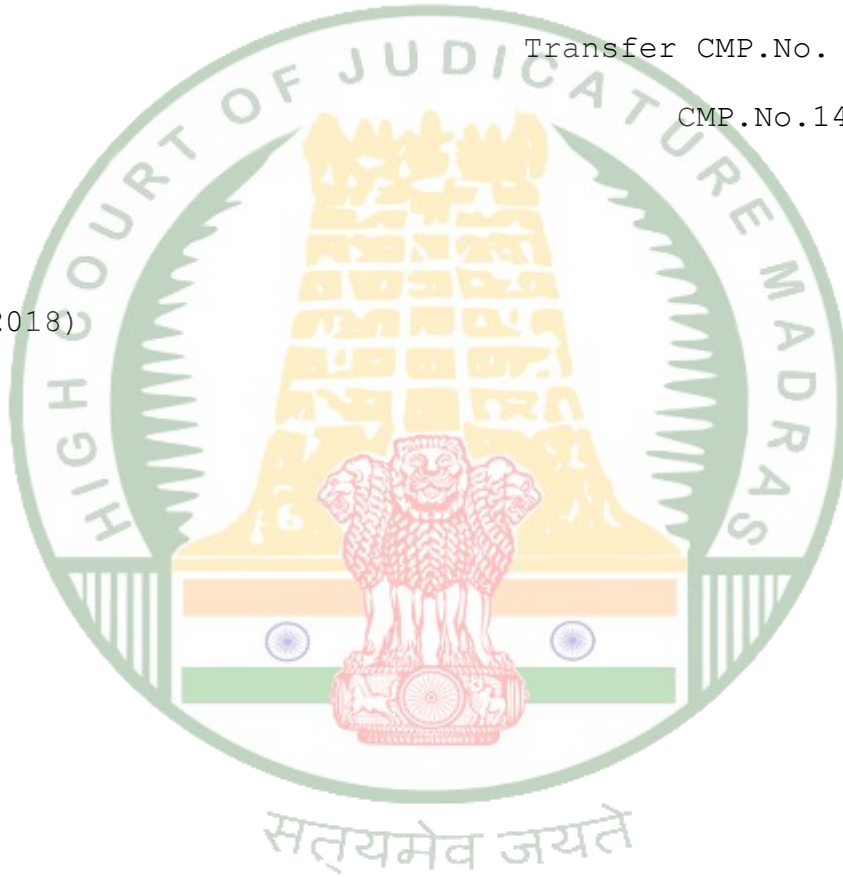
1.The Sub-Court,
Gobichettipalayam.

2.The Sub-Court,
Pollachi.

+lcc to Mr.K.Govi Ganesan, Advocate, S.R.No. 71796

Transfer CMP.No. 582 of 2018
and
CMP.No.14032 of 2018

RK (CO)
GN (15/11/2018)



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