

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.09.2018

PRONOUNCED ON : 25.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 585 of 2018

Lilly Mary

...Petitioner

Vs.

M.Kishore Kumar

...Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the transfer the above case in O.S.No.53 of 2018 from the file of the learned Judge of the Family Court, Puducherry to the file of the learned Judge of the Family Court at Trichy.

For Petitioner : Mr.T.Shanmugam

For Respondent : No appearance
set exparte vide order
dated 24.09.2018

ORDER

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

2.The respondent has laid the divorce case against the petitioner in O.S.No.53 of 2018 and the same is pending on the file of the Family Court, Puducherry.

3.Putting forth that she is a resident of Trichy and the distance between Trichy and Puducherry is on the higher side and she being dependent upon her aged parents and unable to defend the proceeding at Puducherry Court and also apprehending danger to her life and body at the hands of the respondent as she had already been compelled to give consent for divorce, which she had refused and accordingly, prayed for the transfer of the proceeding from Puducherry Court to Trichy Court and also contended that by way of the transfer abovestated, no serious prejudice would be caused to the respondent and accordingly, has come forward with the transfer request.

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 put forth certain inconvenience and hardship in attending the proceeding at Puducherry Court for defending the divorce case laid against her by the respondent. Admittedly, the distance between Trichy and Puducherry is on the higher side. Further more, it is the case of the petitioner that the respondent had been all along insisting her to give consent for mutual divorce. However, the same had been refused by the petitioner and thereby, the respondent had wielded threat to her life and body and she apprehending threat to her life and body while visiting Puducherry on that ground also has come forward with the transfer petition seeking transfer. Further more, she has also put forth that she is a lonely person and dependent upon her aged parents and they are unable to help her in defending the proceeding at Puducherry Court on that reason also has come forward with the transfer request.

6. As above stated, the respondent has not repudiated the above said reasons given by the petitioner for seeking the transfer. Accordingly, it is found that inasmuch as the reasons projected by the petitioner for effecting the transfer are genuine and bonafide, the respondent has also not evinced any interest to contest the case of the petitioner and thereby, remained *exparte* and by way of the same, the respondent is also found to be not prejudiced in the event of the proceeding being transferred to Trichy Court as prayed for. Furthermore, the petitioner has also made out a justifiable cause for seeking the transfer.

7. For the reasons aforesaid, O.S.No.53 of 2018 is withdrawn from the file of the Family Court, Puducherry and transferred to the file of the Family Court, Trichy for disposal.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petitions, if any, are closed.
sms

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

- 1.The Presiding Judge, Family Court, Puducherry.
- 2.The Presiding Judge, Family Court at Trichy.

+ 1 cc to Mr.T.Shanmugam, Advocate Sr 66379

KR/11/10/18

in Transfer CMP.No.585 of 2018



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