

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. 588 of 2018

and

CMP.No.14108 of 2018

V.R.BanupriyaPetitioner/Respondent
Vs.
K.KarthikeyanRespondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.820 of 2017 filed by the respondent on the file of the Sub-Court, Tambaram and transfer to the file of the Principal Family Court, Coimbatore.

For Petitioner : Mr.D.Panchatsaram
For Respondent : Mr.P.Kannan Kumar

ORDER

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

2.The petitioner has levied Domestic Violence Case against the respondent and his mother in DAV No.34 of 2017 and the same is pending on the file of the Judicial Magistrate Court No.I, Coimbatore.

3.It is seen that the respondent and his mother have preferred Criminal O.P.No.2099 of 2018 to quash the abovesaid proceeding and the same is pending before the High Court. It is further seen that the respondent has levied HMOP No.820 of 2017 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Tambaram.

4.Seeking transfer of the abovesaid matrimonial proceeding of the respondent to the Principal Family Court, Coimbatore, the present transfer petition has been laid by the petitioner on the footing that she is a resident of Coimbatore and unable to attend the proceeding at Tambaram Court, considering the long distance between her residence and Tambaram Court and her aged parents are unable to accompany her and she also apprehends danger to her life and body and she has to spend considerable amount in defending the proceeding at Tambaram Court and on the other hand, if the proceeding laid by the respondent is

transferred to Coimbatore Court, the respondent would not be put to loss and hardship and accordingly, prayed for the transfer.

5.The respondent contended that the transfer petition has been laid by the petitioner only to cause hardship and inconvenience to him and according to him, the continuance of the matrimonial proceeding at Tambaram Court would not cause any loss and hardship to the petitioner and therefore, prayed for the dismissal of the transfer petition.

6.All is not well qua the marital life of the parties.

7.As abovenoted, the petitioner has laid Domestic Violence Case against the respondent and his mother which is pending on the file of the Judicial Magistrate Court No.I, Coimbatore, in such view of the matter, it is seen that the respondent would be required to defend the abovesaid proceeding at Coimbatore Court.

8.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at Tambaram Court and the distance between the petitioner's residence and Tambaram Court is on the higher side. Accordingly, it is seen that the petitioner being a lady, she is experiencing inconvenience and hardship in attending the proceeding at Tambaram Court and on the other hand, if the matrimonial proceeding of the respondent is transferred to the file of the Family Court, Coimbatore, by way of the same, no serious prejudice would be caused to the respondent as such.

9.In the light of the above factors, the petitioner has made out a sufficient cause for accepting the transfer request putforth by her. Resultantly, HMOP.No.820 of 2017 is withdrawn from the file of the Sub-Court, Tambaram and transferred to the file of the Principal Family Court, Coimbatore for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP No.14108 of 2018 is closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

sms

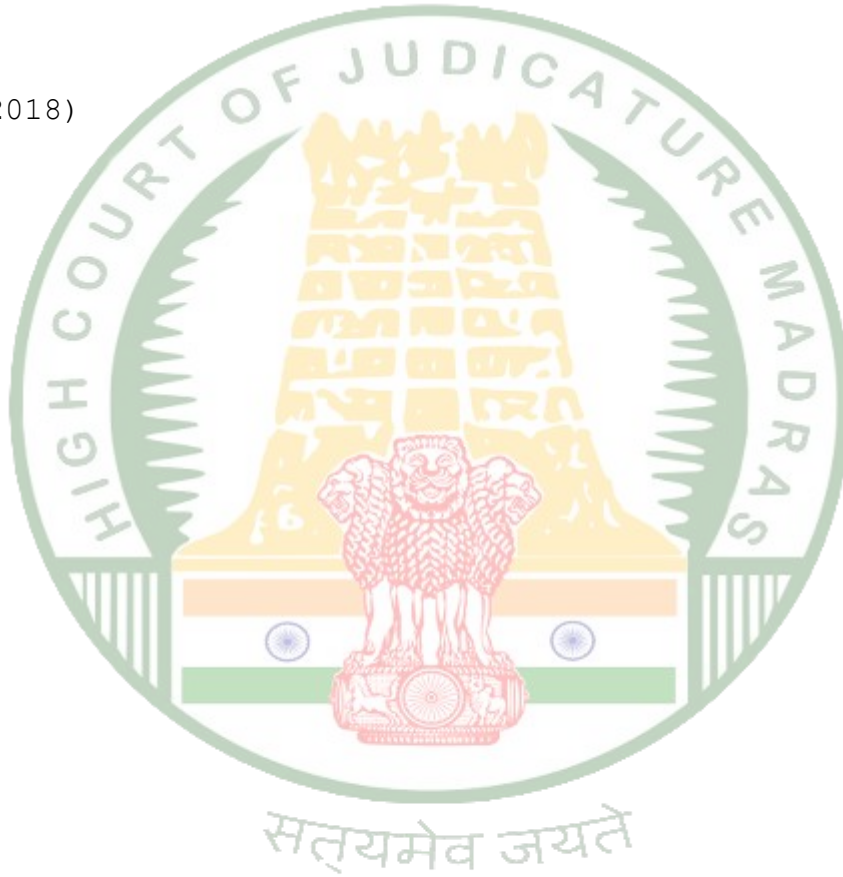
To

- 1.The Subordinate Judge, Tambaram.
- 2.The Principal Family Judge, Coimbatore

+2 CCS to Mr.D.Panchatsaram, Advocate sr 71627.

Transfer CMP.No. 588 of 2018
and
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RJ (CO)
SP (15/11/2018)



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