

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.09.2018

PRONOUNCED ON : 01.10.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

TR CMP.598/2018
and
CMP.14444/2018

Mrs. K. Jeseena Begam ...Petitioner

Vs.

Mr. Kalilrahman ...Respondent

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw the proceedings in O.S.No.70 of 2018 pending on the file of Munsif Court, Palani and to transfer the same to Munsif Court, Pollachi.

For Petitioner : Ms.V.S.Usha Rani

For Respondent : No apperance.
Set exparte vide order
dated 27.09.2018

ORDER

The petition has been filed by the petitioner seeking transfer of O.S.No.70 of 2018 laid by the respondent against her, pending on the file of Munsif Court, Palani and to transfer the same to the file Munsif Court, Pollachi for disposal.

2. It is seen that the respondent has laid a suit in O.S.No.70 of 2018 against the petitioner for declaring the marriage held between the respondent and the petitioner on 02.02.2017 at CDG Thirumana Mandabam, Palakadu Main Road, Pollachi, as null and void and for other reliefs. Seeking transfer of the abovesaid proceeding to Pollachi Court, the present petition has been laid by the petitioner on the footing that she is a resident of Pollachi, Coimbatore District and the distance between Pollachi and Palani Court is on the higher side and the petitioner is finding it difficult and inconvenient to attend the abovesaid proceeding at Palani Court on each and

every hearing date and furthermore, the petitioner, being a muslim lady, unable to travel alone without the help of her parents and also have to spend a considerable amount with reference to the same and accordingly sought for the transfer as prayed for.

3. In this matter, though the respondent had been served, he has not shown any endeavour to contest the transfer petition, accordingly, the respondent having been called, remaining absent, has been set exparte.

4. The petitioner has expressed certain inconvenience and hardship in attending the proceeding at Palani Court. The said reasonings projected by the petitioner have not been repudiated by the respondent by contesting the transfer claim of the petitioner. Thus, it is found that the petitioner has made out sufficient cause for effecting the transfer as prayed for. Furthermore, as rightly contended, the distance between the petitioner's residence and Palani Court is on the higher side. That apart, the petitioner, being a muslim lady, has got her own inhibitions and inconvenience in travelling alone to Palani court for defending the proceeding laid by the respondent against her. Furthermore, it is seen that the petitioner is depending upon her aged parents and accordingly they are also unable to assist her in travelling to Palani Court for defending the proceeding. Thus, it is found that, in all, the petitioner has made a valid cause for effecting the transfer and accordingly, it is seen that the respondent has also not thrown any challenge to the same by way of contesting the same. It is also seen that the respondent would also not be prejudiced in having the suit laid by him being conducted at Pollachi Court. Hence, the transfer petition is accepted.

5. For the reasons above stated, O.S.No.70 of 2018 is withdrawn from the file of Munsif Court, Palani, and transferred to the file of Munsif Court, Pollachi, for disposal as per law.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

bga

To

1. The Munsif Court, Palani
2. The Munsif Court, Pollachi

+1cc to Mr.V.S.Usha Rani, Advocate, S.R.No.67626

TR CMP.598/2018
and
CMP.14444/2018

MP (CO)
GN(25/10/2018)



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