

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.09.2018

PRONOUNCED ON : 27.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.605 of 2018

and

CMP.No.14540 of 2018

G.Anusuya ... Petitioner

Vs.

M.Lokesh @ Madhan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.54 of 2017 on the file of the Sub-Court, Gingee and transfer the same to Family Court, Thiruvallur.

For Petitioner : Mr.M.Selvam

For Respondent : No appearance
set exparte vide order
dated 26.09.2018

ORDER

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

2.The respondent has filed HMOP No.54 of 2017 against the petitioner for restitution of conjugal rights and the same is pending on the file of the Sub Court, Gingee.

3.Seeking transfer of the abovesaid proceeding to Thiruvallur Court on the footing that the petitioner is a resident of Thiruvallur and unable to travel to Gingee Court to defend the proceeding and also putting forth the case that the respondent is employed at Chennai and also residing at Chennai and also apprehending danger to her life and body, the present transfer petition has come to be laid by the petitioner.

4.In this matter, the respondent has not entered appearance and challenged the transfer request of the petitioner and accordingly, he having been called and remained absent and he has been set exparte.

5.The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Gingee Court and the same is not repudiated by the respondent. Furthermore, the petitioner has also stated that the respondent is employed at Chennai and also residing at Chennai. This could also

be seen from the averments contained in the petition laid by the respondent in HMOP No.54 of 2017. Thus, it is found that as rightly putforth, if the proceeding is transferred to Thiruvallur Court, by way of the same, no serious prejudice would be caused to the respondent as such.

6.Thus, it is found that the petitioner has made out sufficient cause for accepting the transfer request projected by her. In all, HMOP No.54 of 2017 is withdrawn from the file of the Sub-Court, Gingee and transferred to the file of the Family Court, Thiruvallur for disposal according to law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.14540 of 2018 is closed.

Index : Yes / No

Internet : Yes / No

sms

27.09.2018

To

1.The Sub-Court, Gingee.

2.The Family Court, Thiruvallur

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.605 of 2018
and
CMP.No.14540 of 2018

27.09.2018