

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28.09.2018

PRONOUNCED ON : 03.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.617 of 2018

and

CMP.No.15044 of 2018

Maragathamanimala ... Petitioner

Vs.

B.Selvapandian ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the proceedings in HMOP No.36 of 2018 pending before the Family Court, Trichirapalli and transfer the same to the Principal Family Court, Coimbatore.

For Petitioner : Mrs.V.S.Usharani

For Respondent : No appearance

Set exparte vide order

dated 28.09.2018

ORDER

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

2.The respondent has laid divorce case against the petitioner in HMOP.No.36 of 2018 and the same is pending on the file of the Family Court, Trichirappalli.

3.Seeking the transfer of the above proceeding from the Family Court, Trichirappalli to the Family Court, Coimbatore, the petitioner has come forward with this transfer request stating that she is a resident of Coimbatore and dependent upon her parents for survival and unable to travel to Trichirapalli Court for defending the divorce proceeding laid against her by the respondent and furthermore, she has also stated that she has preferred maintenance claim against the respondent in M.C.No.101 of 2018 and the same is pending on the file of the Principal Family Court, Coimbatore and accordingly, her health also does not permit her to travel a long distance and hence, prayed for the transfer.

4.In this matter, though the respondent had been served, he has not evinced interest to challenge the transfer request of the petitioner and accordingly, on being called and remaining absent and he has been set exparte.

5.The petitioner has putforth certain inconvenience and hardship in attending the proceeding at

Trichirappalli Court and the same is not challenged by the respondent. Furthermore, it is also seen that the respondent is working at Chennai and therefore, the conduct of the proceeding at Coimbatore would not in any manner seriously cause prejudice to the respondent as such. Accordingly, it is seen that he has not shown interest to contest the transfer request of the petitioner. That apart, it is also noted that the respondent would be required to attend the proceeding at Family Court, Coimbatore to defend the maintenance claim preferred against him by the petitioner. In such view of the matter, the transfer request of the petitioner is found to be just and acceptable.

6. For the reasons aforesaid, HMOP No.36 of 2018 is withdrawn from the file of the Family Court, Trichirappallai and transferred to the file of the Family Court, Coimbatore for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected CMP.No.15044 of 2018 is closed.

03.10.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Family Court, Trichirappallai.
2. The Family Court, Coimbatore.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.617 of 2018
and

CMP.No.15044 of 2018

03.10.2018