

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 01.10.2018
PRONOUNCED ON : 05.10.2018
CORAM
THE HONOURABLE MR. JUSTICE T.RAVINDRAN
TR CMP.622/2018
and
CMP.15209/2018

R.Lalitha ...Petitioner

Vs.

P.V.Thulasiraman ...Respondent

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw the proceedings in F.C.O.P.No.283 of 2018 on the file of the Family Court, Salem and to transfer the same to the Family Court, Puducherry.

For Petitioner : Mr.J.Zeakumar
for M/s. Achari & Antoni Associates

For Respondent : Mr.R.Nalliyappan

ORDER

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

2. It is found that the respondent has laid F.C.O.P.No.283 of 2018 for divorce against the petitioner and the same is pending on the file of the family court, Salem. Seeking transfer of the abovesaid proceeding to the file of the family court, Puducherry, on the footing that the plaintiff is the resident of Puducherry and depending upon her aged and sick parents and unable to travel to Salem Court alone considering the long distance between her residence and Salem Court and also putting forth the case that she has levied Domestic Violence Case against the respondent in DVC No.6 of 2018 and the same is pending on the file of the Chief Judicial Magistrate Court, Puducherry, accordingly has come forward with the petition seeking for the transfer.

3. The respondent contested the transfer request of the petitioner on the footing that the same had been levied only to harass him one way or the other and contended that attending the proceeding at Salem Court, would not, in any manner, cause any hardship or inconvenience to the petitioner and therefore prayed for the dismissal of the transfer petition. During the course of arguments, the respondent's counsel suggested that a mid-way court may be identified by the Court for transferring the case to the convenience of both the parties and in that endeavour suggested that the court at Kallakuruchi would be ideal for the conduct of the proceeding between the parties.

4. As regards the abovesaid suggestion, it is pleaded by the petitioner's counsel that in as much as the respondent would be required to attend the DVC proceeding at Puducherry Court, he would not be prejudiced if the matrimonial proceeding is also transferred to Puducherry Court as prayed for by the petitioner and accordingly prayed for the proceeding to be transferred to Pondicherry Court as

claimed in the petition.

5. Considering the materials placed on record, it is found that the respondent would be required to attend the Domestic Violence Case initiated against him by the petitioner at Puducherry Court and on that score, he would be required to travel to Pondicherry as and when required. In such view of the matter, if the transfer request of the petitioner is acceded to, the respondent would not be seriously prejudiced in attending the matrimonial proceeding also at Puducherry Court one way or the other. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Salem Court. Admittedly, the distance between the petitioner's residence and Salem Court is on the higher side. In such view of the matter, the petitioner, being a lady, it is seen that she will be experiencing inconvenience and hardship in attending the proceeding at Salem Court, in particular, noting that the petitioner's parents are aged and sick and unable to accompany her to Salem Court.

6. In the light of the above factors, it is found that ends of justice would be met if the matrimonial proceeding is also conducted at Puducherry Court as prayed for by the petitioner.

7. For the reasons above stated, F.C.O.P.No.283 of 2018 is withdrawn from the file of the family court, Salem, and transferred to the file of the family court, Puducherry, for disposal as per law.

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

05.10.2018

Index : Yes/No

Internet:Yes/No

bga

To

1. family court, Salem

2. family court, Puducherry

T.RAVINDRAN,J.

bga

Pre-delivery Order

in

TR CMP.622/2018
and
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05.10.2018