

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.631 of 2018
and
CMP.No.15607 of 2018

S.Deepikalakshmi ... Petitioner

Vs.

T.Rabindranath ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in F.C.O.P.No.30 of 2018 on the file of the Principal Family Court at Chengalpattu and transfer the same to any of the Family Court at Chennai to be tried on merits.

For Petitioner : Mr.S.Thiruvengadam

For Respondent : No appearance
set exparte vide order
dated 10.10.2018

ORDER

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

2.The respondent has levied divorce case against the petitioner in FCOP No.30 of 2018 and the same is pending on the file of the Principal Family Court, Chengalpattu.

3.Seeking transfer of the abovesaid proceeding to the Family Court, Chennai, the transfer petition has been laid by the petitioner on the footing that she is residing at Chennai with her parents and finds it difficult in attending the proceeding at Chengalpattu Court and furthermore, it is also stated that the respondent is working at Mumbai, however, he has laid the case at Chengalpattu giving his address as if he is staying within the jurisdiction of Chengalpattu and accordingly, contended that by way of the transfer of the proceeding from Chengalpattu Court to Chennai Court, no serious prejudice would be caused to the respondent and accordingly, prayed for the transfer.

4.Insofar as this matter is concerned, though the respondent has been served, he has not chosen to contest the transfer request of the petitioner and accordingly, he having being called and remaining absent, been set exparte.

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

Chengalpattu Court, the same has not been controverted by the respondent. Furthermore, when it is found that the respondent is working at Mumbai, by way of the proceeding being conducted at Chennai Court, no serious prejudice would be caused to the respondent in connection with the same. Accordingly, it is seen that he has also not chosen to contest the transfer request of the petitioner.

6.In the light of the above factors, FCOP No.30 of 2018 is withdrawn from the file of the Principal Family Court, Chengalpattu and transferred to the file of the Family Court, Chennai for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.15607 of 2018 is closed.

22.10.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Principal Family Court, Chengalpattu.
- 2.The Family Court, Chennai

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.631 of 2018
and
CMP.No.15607 of 2018

22.10.2018