

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 12.10.2018

PRONOUNCED ON : 25.10.2018

CORAM
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.635 of 2018
and
CMP.No.15650 of 2018

P.Hemalatha ...Petitioner/Respondent

Vs.

R.Rama Prasad ...Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw FCOP No.204 of 2017 on the file of the Family Court at Vellore and transfer the same to any of the Additional Principal Family Court, Chennai.

For Petitioner : Mr.A.Gandhi

For Respondent : Mr.E.Kannadasan

ORDER

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

2.The respondent has filed a divorce case against the petitioner in FCOP No.204 of 2017 and the same is pending on the file of the Family Court, Vellore.

3.Seeking the transfer of the abovesaid proceeding to Chennai Court, the present transfer petition has been laid by the petitioner on the footing that she is a resident of Ambattur, Chennai and unable to travel to Vellore to attend the abovesaid proceeding, considering the long distance and she has no one to accompany her to Vellore Court as her father is aged person and also a heart patient and accordingly, prayed for the transfer.

4.It is also seen that the petitioner has levied maintenance case against the respondent before the Judicial Magistrate Court, Ambattur in M.C.No.22 of 2017 and the respondent has been ordered to pay maintenance to the petitioner by the said Court. The respondent has contested the transfer request of the petitioner by putting forth that the same had been made by the

petitioner only to harass him and there is no bonafide in the transfer request of the petitioner and therefore, prayed for the dismissal of the transfer petition.

5.The petitioner has sought for the transfer of the proceeding from Vellore Court to Chennai Court on the footing that the distance between her residence and Vellore is on the higher side and there is no one to accompany her to Vellore Court considering the health of her father and further, according to her, the maintenance case levied by her had been conducted only at Ambattur Court and the respondent had not evinced any interest in defending the said proceeding at Ambattur Court and accordingly, considering the hardship that the petitioner may incur particularly the expenses in attending the proceeding at Vellore Court, prayed for the transfer. As abovenote, inasmuch as the petitioner is unable to maintain herself, considering the claim of maintenance prayed for by the petitioner, the concerned Court had ordered the respondent to pay maintenance in favour of the petitioner. Meanwhile, it is noted that the respondent has levied divorce case against the petitioner in Vellore Court. In such view of the matter, if the petitioner is directed to attend the proceeding at Vellore Court, definitely, she would be put to great loss and hardship. Furthermore, considering the avocation of the respondent being a Central Government Employee and working at Ranipet, it is seen that by way of the conduct of the proceeding at Chennai Court, he may not be put to loss and hardship and the petitioner being a lady, would be finding it difficult and inconvenient to attend the proceeding at Vellore Court, and as rightly argued, she may incur further expenses and therefore, considering the abovesaid factors in toto and the reasons adduced by the petitioner for seeking the transfer, in all, the transfer request of the petitioner seems genuine and acceptable.

6.For the reasons aforestated, FCOP No.204 of 2017 is withdrawn from the file of the Family Court, Vellore and transferred to the file of the Principal Family Court, Chennai, for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected CMP No.15650 of 2018 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Family Court,
Vellore.

2.The Principal Family Court,
Chennai.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.73157

Transfer CMP.No.635 of 2018

and
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SSV(CO)

rrs 16/11/2018



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