

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.10.2018

PRONOUNCED ON : 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.644 of 2018
and
CMP.No.15898 of 2018

K.Lakshmi Preetha ... Petitioner

Vs.

K.Venkatesh ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw OP No.1802 of 2018 pending on the file of the First Additional Family Court, Chennai, and transfer the same to Sub-Court, Kovilpatti.

For Petitioner : Mr.H.Rajasekar
For Respondent : Mr.P.Balamurugan

ORDER

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

2.The respondent has levied OP No.1802 of 2018 for divorce against the petitioner and the same is pending on the file of the First Additional Family Court, Chennai. It is also noted that the petitioner has laid a maintenance case in M.C.No.06 of 2018 against the respondent and the same is pending on the file of the Judicial Magistrate Court No.II, Kovilpatti.

3.Seeking transfer of the matrimonial proceeding of the respondent to Sub-Court, Kovilpatti, the transfer petition has been laid by the petitioner on the footing that the distance between her residence and Chennai is on the higher side and she has to look after her school going child and unable to spend huge amount in attending the proceeding at Chennai Court and accordingly, prayed for the transfer.

4.The respondent has contested the transfer request of the petitioner by putting forth that the aim of the petitioner in seeking the transfer is only to cause inconvenience and hardship to him and further, it is also stated that, during the course of arguments, the respondent apprehends danger to his life and body, in the event of the proceeding being transferred to Kovilptatti and further, also contended that the distance between Chennai and Kovilpatti is on the higher side and therefore, suggested that the Court may transfer the proceeding to a midway Court which would be convenient to both the parties.

5.During the course of arguments, both the parties admitted that if the matrimonial proceeding of the respondent is transferred to Thenkasi Court, the same would be beneficial to both the parties and accordingly, prayed the Court to pass necessary orders with reference to the same. Considering the distance between the place of residence of the petitioner and the Court at Thenkasi as well as the apprehension entertained by the respondent at Kovilpatti and also the acceptance of the jurisdiction of Thenkasi Court by the respondent for the conduct of his matrimonial case, in all, it is seen that the ends of justice would be met, if the proceeding is transferred to Thenkasi Court as agreed to by both the parties during the course of arguments.

6.For the reasons aforestated, O.P.No.1802 of 2018 is withdrawn from the file of the First Additional Family Court, Chennai and transferred to the file of the Principal Sub-Court, Thenkasi for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.15898 of 2018 is closed.

23.10.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The First Additional Family Court, Chennai.
- 2.The Principal Sub-Court, Thenkasi.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.644 of 2018
and
CMP.No.15898 of 2018

23.10.2018