

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.10.2018

PRONOUNCED ON : 10.10 .2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

TR CMP.645/2018
and
CMP.15996/2018

P.Subhashini ...Petitioner

Vs.

R.Kumar ...Respondent

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw HMOP. No.408/2018 from the file of Family Court, Madurai and transfer the same to Subordinate Court, Tambaram.

For Petitioner : Mr.A.Prabhakaran

For Respondent : No appearance
Set exparte
vide order dated 05.10.2018

ORDER

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

2. All is not well qua the marital life of the abovesaid parties.

3. It is found that the respondent has laid a petition for divorce against the petitioner in HMOP No.408 of 2018 and the same is pending on the file of the family court, Madurai.

4. Further it is also seen that seeking maintenance from the respondent, the petitioner has levied M.C.No.11/2018 and the same is pending on the file of the Judicial Magistrate Court, Alandur.

5. Seeking transfer of the matrimonial proceeding laid by the respondent against her from the file of family court, Madurai to the Subordinate Court, Tambaram, the petition has been laid by the petitioner on the footing that she is residing at Chennai and unable to attend the proceeding at Madurai Court on account of the long distance between her residence and Madurai Court and furthermore, it is also stated by the petitioner that inasmuch as the respondent had neglected her, she is unable to defend the proceeding at Madurai Court efficiently and accordingly prayed for the transfer.

6. In this matter, though the respondent had been served, despite being called and remaining absent, he has been set exparte.

7. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Madurai Court. The same has not been controverted by the respondent. Admittedly the distance between the petitioner's residence and Madurai Court is on the higher side, therefore, it is seen that the petitioner, being a lady, would be finding it difficult and inconvenient to attend the proceeding at Madurai Court.

8. In addition to that, inasmuch as the respondent would be required to defend the maintenance case levied by the petitioner at Alandur Judicial Magistrate Court, it is found that the respondent has to appear before the said court with reference to the same. In such view of the matter, if the matrimonial proceeding laid by the respondent is transferred to Tambaram Court as prayed for, he would not be put to serious loss or hardship and accordingly it is found that though the respondent had been served in this matter, he has not evinced interest to challenge the transfer petition laid by the petitioner.

9. For the reasons above stated, it is seen that the petitioner has made out sufficient cause for seeking the transfer request made by her.

10. Resultantly, HMOP. No.408/2018 is withdrawn from the file of Family Court, Madurai and transferred to the file of Subordinate Court, Tambaram, for disposal, as per law.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

bga

To

1. Family Court,
Madurai.
2. Subordinate Court,
Tambaram.

+1cc to M/S.A.Prabhakaran, Advocate Sr.70186

TR CMP.645/2018

and

CMP.15996/2018

rsv[co]
srg 31/10/2018

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