

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.649 of 2018

and

CMP.No.16042 of 2018

N.Sudha ... Petitioner

Vs.

M.Venkat Prabhu ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.58 of 2018 pending on the file of the Additional Family Court, Coimbatore and to Transfer the same to the file of the Family Court, Salem.

For Petitioner : Mr.R.Neethi Perumal

For Respondent : Mr.N.Damodaran

ORDER

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

2.The respondent has levied a divorce case against the petitioner in HMOP No.58 of 2018 and the same is pending on the file of the Additional Family Court, Coimbatore.

3.Seeking transfer of the abovesaid proceeding from Coimbatore Court to Salem Court, the transfer petition has been laid by the petitioner on the footing that she is a resident of Salem and unable to attend the proceeding at Coimbatore Court on account of her avocation as a teacher in a Government Higher Secondary School in Salem and unable to obtain leave and also considering the distance factor, and as she is feeling mental distress in attending the proceeding at Coimbatore Court and accordingly, prayed for the transfer.

4.The respondent has contested the transfer request of the petitioner putting forth that the transfer request has been laid by the petitioner only to harass him and no sufficient cause has been projected for effecting the transfer request and therefore, prayed for dismissal of the transfer request.

5.Admittedly, the petitioner is working as a Teacher in a Government Higher Secondary School, Salem. It is also noted that the respondent is working at Chennai in a software company. If the proceeding laid by the respondent is transferred to Salem Court, by way of the same, no serious loss

and hardship would be caused to the respondent with reference to the same. Considering the distance between Salem and Chennai as well as Chennai and Coimbatore, it is seen that there is no much difference and in such view of the matter, as rightly putforth by the petitioner's counsel, if the proceeding is transferred to Salem, no serious loss and hardship as such would be caused to the respondent.

6.Considering the nature of the avocation of the petitioner and as she is having certain inconvenience and hardship in attending the proceeding at Coimbatore, in all, it is seen that the petitioner has made out a sufficient cause for accepting the transfer request putforth by her.

7.In conclusion, HMOP No.58 of 2018 is withdrawn from the file of the Additional Family Court, Coimbatore and transferred to the file of the Family Court, Salem for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.16042 of 2018 is closed.

22.10.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Additional Family Court, Coimbatore.
- 2.The Family Court, Salem.

T.RAVINDRAN, J.

sms

Pre-delivery Order made  
in Transfer CMP.No.649 of 2018  
and  
CMP.No.16042 of 2018

22.10.2018