

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :20.09.2018

PRONOUNCED ON:27.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.676 of 2018

S.Vijayalakshmi

...Petitioner

Vs.

S.Suresh Kumar

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.51 of 2017 from the file of the Subordinate Court at Arakkonam to Subordinate Court, Tiruttani.

For Petitioner : Mr.D.S.Ramesh

O R D E R

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

2. The respondent has levied divorce case against the petitioner in H.M.O.P.No.51 of 2017 and the same is pending on the file of the Subordinate Court, Arakkonam. It is also seen that the petitioner has preferred Domestic Violence case against the respondent in D.V.No.6 of 2017 and the same is pending on the file of the Judicial Magistrate Court - I, Tiruttani. Seeking transfer of the O.P. Proceeding from Arakkonam Court to Tiruttani Court, the present petition has been laid by the petitioner stating that she has to look after her child and thereby unable to attend the proceeding at Arakkonam Court and accordingly sought for the transfer of the proceeding from Arakkonam Court to Tiruttani Court.

3. The petitioner is stated to be residing at Tiruttani Taluk. Considering the distance between the petitioner's residence and Arakkonam Court, it is seen that the same is not on the higher side. Furthermore, considering the nature of the proceeding pending on the file of the Subordinate Court, Arakkonam, it is seen that the presence of the petitioner may not be required on all the hearing dates and the petitioner

being represented by an able advocate, it is found that her advocate would be able to attend the hearing dates of the O.P Proceeding, during her absence as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date, when her evidence is to be recorded in support of her case. Thus, the distance factor projected by the petitioner as such cannot be readily accepted for effecting the transfer.

4. Furthermore, the only reason given by the petitioner is that she has to look after her child and hence finding it difficult and experiencing inconvenience in attending the proceeding at Arakkonam Court. However, as abovenoted, the petitioner's presence is not required on all the hearing dates of the O.P. Proceeding and only for a few hearing dates, her presence may be required, particularly, to tender evidence with reference to her case and in such view of the matter, the abovesaid hardship mentioned by the petitioner as such cannot be readily accepted for effecting the transfer.

5. It is not the case of the petitioner that the Court at Arakkonam is not having the jurisdiction to try and determine the divorce proceeding laid against her by the respondent.

6. For the reasons aforesated, I do not find sufficient cause to entertain the transfer petition of the petitioner. Resultantly, the Transfer Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any is closed.

Sd/-
Deputy Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

mfa
To

The Subordinate Court at Arakkonam.

+1cc to D.S.Ramesh, Advocate Sr.67125

Tr.C.M.P.No.676 of 2018

srg 11/10/2018