

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :24.10.2018

PRONOUNCED ON:26.10.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN
Tr.C.M.P.No.681 of 2018
and
C.M.P.No.16723 of 2018

Anandavalli

...Petitioner

Vs.

E.Balakumar

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.81 of 2018 pending on the file of the Sub Court, Kancheepuram and to transfer the same to Sub Court, Arakkonam.

For Petitioner : Mr.A.Gowthaman

For Respondent : Mr.V.Sivalinkam

O R D E R

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

2.The respondent has laid the divorce case against the petitioner in H.M.O.P.No.81 of 2018 and the same is pending on the file of the Subordinate Court, Kancheepuram. Seeking transfer of the abovesaid proceeding to Arakonam Subordinate Court, the transfer petition has been laid by the petitioner, on the footing that the distance between the petitioner's residence and Kancheepuram Court is on the higher side and on the other hand, traveling distance between the respondent's residence, Kancheepuram and Arakonam Court is just 30 Km and as the petitioner has no one to assist her to defend the proceeding at Kancheepuram court and also she has to look after her daughters and

therefore expressed difficulty, inconvenience and hardship in attending the proceeding at Kancheepuram Court. Therefore prayed for the transfer of the proceeding to Arakkonam Court.

3. The Respondent opposed the transfer request of the petitioner, however, he did not dispute the fact that the distance between his residence, Kancheepuram and Arakkonam is just 30Km. Equally also not disputed the fact that the distance between the petitioner's residence and the Kancheepuram Court is comparatively on the higher side. Thus, it is noted that the petitioner being a lady and also as she has to look after her daughters and as she has no one to support her to attend the proceeding at Kancheepuram Court. accordingly, it is found that the petitioner has putforth a sufficient cause for acceding to the transfer request put forth by her. By way of the same, it is noted that the respondent would not be put to any serious loss or hardship.

4. For the reasons aforesaid, H.M.O.P.No.81 of 2018 is withdrawn from the file of the Subordinate Court, Kancheepuram and transferred to the file of the Subordinate Court, Arakkonam for disposal as per law.

5. Resultantly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

mfa

Sd/-
Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge, Sub Court, Kancheepuram.

2.The Subordinate Judge, Sub Court, Arakkonam.

+3ccs to Mr.A.Gowthaman , Advocate SR.No. 74149

+1cc to Mr. V.Sivalinkam, Advocate SR.No. 73680

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ASK(19/11/2018)