

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.10.2018

PRONOUNCED ON : 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.320 of 2017

and

CMP.No.5993 of 2017

S.Pavithra ... Petitioner

Vs.

A.Prabhuram ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.249 of 2016 on the file of the Sub-Ordinate Court, Kancheepuram and transfer the same to the file of the Sub-ordinate Court, Tambaram.

For Petitioner : Mr.V.Chandrakanthan

Respondent : No appearance
set exparte vide order
dated 12.10.2018

ORDER

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

2.The respondent has levied HMOP No.249 of 2016 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Kancheepuram.

3.Seeking transfer of the abovesaid proceeding to the Sub-Court, Tambaram, the transfer petition has been laid by the petitioner on the footing that the petitioner is residing at Chitlappakkam, Chennai and unable to attend the proceeding at Kancheepuram Court and also depending upon her aged parents and there is no one to assist her in defending the proceeding at Kancheepuram and also apprehends danger to her life and body at the hands of the respondent at Kancheepuram and considering the fact that the respondent is working at Bangalore, as no prejudice would be caused to the respondent in the event of the abovesaid OP transferred to Tambaram Court as prayed for and accordingly, requested for effecting the transfer.

4.In so far as this matter is concerned, though the respondent had been served, he has not chosen to contest the transfer request of the petitioner and accordingly, he having been called and remaining absent, been set exparte.

5.The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Kancheepuram Court and the same has not been controverted by the respondent by challenging the same.

6.Furthermore, as put forth by the petitioner and also admitted by the respondent himself in the divorce case preferred by him, he is working at Bangalore and in such view of the matter, by way of the transfer of the proceeding to Tambaram Court, the respondent would not be seriously prejudiced and therefore, it is seen that the petitioner has made out a just cause for accepting the transfer request.

7.Furthermore, it is also seen that the petitioner has levied Domestic Violence Complaint against the respondent and the same is pending on the file of the Judicial Magistrate Court, Tambaram and it is seen that the respondent has also challenged the abovesaid proceeding by way of filing the criminal OP in the High Court to quash the same. Be that as it may, the respondent also would be required to defend the abovesaid proceeding at Tambaram Court.

8.In the light of the abovesaid reasons, HMOP No.249 of 2016 is withdrawn from the file of the Sub-Court, Kancheepuram and transferred to the file of the Sub-Court, Tambaram for disposal as per law.

Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP No.5993 of 2017 is closed.

23.10.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Sub-Court, Kancheepuram.
- 2.The Sub-Court, Tambaram.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.320 of 2017
and
CMP.No.5993 of 2017

23.10.2018