

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :20.09.2018

PRONOUNCED ON:26.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.919 of 2017
and
C.M.P.No.18554 of 2017

Pooranam Sheela Priya

...Petitioner

Vs.

B.Suresh

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition of H.M.O.P.No.20 of 2014 from the file of the Sub Court at Chidambaram and to transfer the same to the file of the Principal Sub Court at Thanjavur.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : No appearance
Set exparte
vide order dated 20.09.2018

O R D E R

सत्यमेव जयते

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

2.The petitioner has filed H.M.O.P.No.40 of 2009 against the respondent on the file of the Principal Subordinate court, Thanjavur seeking restitution of conjugal rights and as the respondent expressed willingness to join with the petitioner, it is found that the abovesaid O.P was allowed on 10.01.2012. However, it is the case of the petitioner that, thereafter they are unable to live together for one reason or the other. It is now stated that the respondent has levied divorce case against her in H.M.O.P.No.20 of 2014 pending on the file of the Subordinate Court, Chidambaram. It is also stated

by the petitioner that she has filed Domestic Violence case against the respondent and the same is pending on the file of the Judicial Magistrate Court No.I, Thanjavur.

3. Seeking transfer of the divorce case from Chidambaram Court to Thanjavur Court on the footing that the petitioner is residing at Thanjavur and find it difficult and inconvenient to attend the proceeding at Chidambaram Court as the distance between the Thanjavur and Chidambaram is on the higher side and the petitioner has also look after her girl child and unable to travel to Chidambaram and also the petitioner is experiencing financial constraint in attending the proceeding at Chidambaram Court and accordingly, has come forward with the present Transfer Petition.

4. In this matter, though the respondent had been served, he has not chosen to contest the transfer request of the petitioner and accordingly on being called, remaining absent, been set exparte.

5. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Chidambaram. The same is not challenged by the respondent. Furthermore, as abovenoted, the earlier O.P proceeding laid by the petitioner was disposed of only at Thanjavur Subordinate Court. Accordingly, it is found that the transfer of the proceeding from Chidambaram Court to Thanjavur Court would not cause serious prejudice to the respondent as such. Accordingly, it is also noted that the respondent has not evinced interest to contest the transfer petition of the petitioner. Thus, it is noted that the petitioner has made sufficient cause for accepting the transfer request. Furthermore, the respondent would be required to attend the Domestic Violence case laid against him by the petitioner at Thanjavur Judicial Magistrate Court.

5. For the reasons aforesaid, H.M.O.P.No.20 of 2014 is withdrawn from the file of the Subordinate Court, Chidambaram and transferred to the Principal subordinate Court, Thanjavur for disposal according to law. Accordingly, the Transfer Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sub Court at Chidambaram.

2.The Principal Sub Court at Thanjavur.

Tr.C.M.P.No.919 of 2017
and
C.M.P.No.18554 of 2017

nr 16/10/2018



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