

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.10.2018
PRONOUNCED ON : 10.10 .2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

TR CMP.699/2018
and
CMP.17353/2018

A.V.Babuji @ Priya

...Petitioner

Vs.

N.M.Manibalan

...Respondent

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw HMOP. No.167/2018 from the file of Family Court, Dharmapuri and transfer the same to the file of Sub Court, Attur.

For Petitioner : Mr.R.Murali

ORDER

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

2. The respondent has laid a petition for divorce against the petitioner in F.C.H.M.O.P No.167 of 2018 and the same is pending on the file of the family court, Dharmapuri.

3. Seeking transfer of the abovesaid proceeding to the file of the Sub court, Attur, the present petition has been laid by the petitioner, on the footing that she is a resident of Attur Taluk and unable to attend the proceeding at Dharmapuri Court and depending upon her parents, who are not in a position to accompany her to Dharmapuri Court and accordingly prayed for the transfer.

4. Considering the distance between the residence of the petitioner and Dharmapuri Court, it is seen that the same is not on the higher side. Furthermore, the petitioner is being represented by an able advocate and thus it is seen that her advocate would be in a position to appear on her behalf at Dharmapuri Court for defending the proceeding and the petitioner's presence may be required only on the hearing date

when the evidence has to be recorded or for mediation purpose. Furthermore, if at all the petitioner is in requirement of monetary assistance to defend the divorce petition laid by the respondent against her, it is always open to the petitioner to approach the concerned court with reference to the same in the manner known to law. In such view of the matter, in my considered opinion, the grounds projected by the petitioner for seeking the transfer do not merit acceptance.

5. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition is closed.

bga

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Family Court, Dharmapuri.

+1cc to Mr.R.Murali, Advocate S.R.No.70334

KR/31/10/18

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