

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.10.2018

PRONOUNCED ON : 10.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 718 of 2018

and

CMP.No.17668 of 2018

K.Varalakshmi ... Petitioner/Respondent

Vs.

S.Senthil Kumar ... Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in I.A.No.67 of 2017 in HMOP No.189 of 2014 on the file of the Hon'ble Subordinate Court, Poonamallee and transfer the same to the Hon'ble Sub-Court, Vellore, Vellore District.

For Petitioner : Mr.M.Sathish Kumar

ORDER

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

2. Seeking divorce from the petitioner, it is found that the respondent has laid HMOP No.189 of 2014 and the same is taken on the file of the Sub-Court, Poonamallee.

3. Materials placed on record go to show that the abovesaid OP has been dismissed for non prosecution. Seeking to restore the abovesaid HMOP, it is found that the respondent has laid I.A.No.67 of 2017 and the same is pending on the file of the Sub-Court, Poonamallee.

4. Seeking transfer of the abovesaid interlocutory application to the Sub-Court, Vellore, the present transfer petition has been laid by the petitioner/wife on the footing that she is dependent upon her aged parents and has to look after her daughter and therefore, unable to travel to Poonamallee Court for defending the abovesaid interlocutory application and hence, sought for the transfer.

5.Considering the materials placed on record, when it is found that as on date, the OP laid by the respondent for divorce is not pending and the same had been already dismissed for non prosecution and only the I.A. preferred by the respondent is pending, in such view of the matter, the request of the transfer of the abovesaid I.A to Vellore Court as prayed for, in my considered opinion, cannot be justified.

6.Considering the nature of the proceeding pending as on date before the Court at Poonamallee, the presence of the petitioner is not at all required and the same may be defended by the petitioner through her able advocate and the petitioner's presence may be required on the hearing date when her evidence is required to be recorded in support of her case. In such view of the matter, the reasons projected by the petitioner for effecting the transfer of the abovesaid I.A is not found to be justified and acceptable.

Resultantly, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP.No.17668 of 2018 is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Subordinate Court, Poonamallee.

2.The Sub-Court, Vellore, Vellore District.

+1 cc Mr.M.Satish Kumar, Advocate, SR.No. 69786

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Order made

in Transfer CMP.No. 718 of 2018
and CMP.No.17668 of 2018

PVS (CO)
CSL/26.10.2018