

IN THE HIGH COURT OF JUDICATURE AT MADRAS**RESERVED ON : 03.10.2018****PRONOUNCED ON : 09.10.2018
CORAM****THE HONOURABLE MR.JUSTICE T.RAVINDRAN****Transfer CMP.No.697 of 2018
and
CMP.No.17406 of 2018**

G.Karthiga @ G.Bhuvanaeswari ... Petitioner
Vs.

R.Udayakumar ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.52 of 2018 on the file of the Sub-Court at Tiruttani and to transfer the same on the file of the Family Court at Chennai.

For Petitioner : Mrs.S.Vasavi Sridevi

ORDER

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

2.It is seen that the respondent has laid divorce case against the petitioner in HMOP No.52 of 2018 and the same is pending on the file of the Sub-Court, Tiruttani.

3. Seeking the transfer of the abovesaid proceeding to Chennai Court, the transfer petition has been laid by the petitioner on the footing that she is residing at Chennai with her aged parents and has to look after her child and she finds it difficult and inconvenient in attending the proceeding at Tiruttani Court as she has to travel alone and her father is unable to accompany her to the Court at Tiruttani and also, she has to incur expenses for travel and accordingly, sought for the transfer of the proceeding laid by the respondent as abovestated.

4. Considering the nature of the proceeding pending on the file of the Sub-Court, Tiruttani, it is seen that the presence of the petitioner may not be required on all the hearing dates, as sought to be made out. The petitioner being represented by an able advocate, it is further seen that her advocate would be able to attend the proceeding before the Sub-Court, Tiruttani, during the absence of the petitioner as per the instruction received from the petitioner now and then. At the most, the petitioner's presence would be required only at the time, when her evidence is to be recorded in support of her version. That apart, the distance between Chennai and Tiruttani is found to be not on the higher side. In such view of the matter, the case of the petitioner that she is unable to attend all the hearing dates of the proceeding at Tiruttani Court and hence, the matter should be transferred as such cannot be readily countenanced.

5.As far as the expenses said to have been incurred by the petitioner as regards her defending the same, it is seen that if at all the petitioner requires litigation expenses to defend the proceeding laid by the respondent, it is always open to the petitioner to move the concerned Court with reference to the same for meeting the litigation expenses in the manner known to law. Therefore, the abovesaid ground for seeking transfer as such cannot be accepted. When it is further seen that the petitioner's presence may not be required on all the hearing dates, her case that she would find it difficult to take her child to the Court at Tiruttani as such cannot readily accepted.

6.It is not the case of the petitioner that the Court at Tiruttani is not having the jurisdiction to try and determine the proceeding laid by the respondent.

In all, I do not find sufficient cause for accepting the transfer request put forth by the petitioner and resultantly, the Transfer Civil Miscellaneous petition is dismissed and Consequently, connected CMP.No.17406 of 2018 is also dismissed.

Index : Yes / No

Internet : Yes / No

sms

<http://www.judis.nic.in>

09.10.2018

To

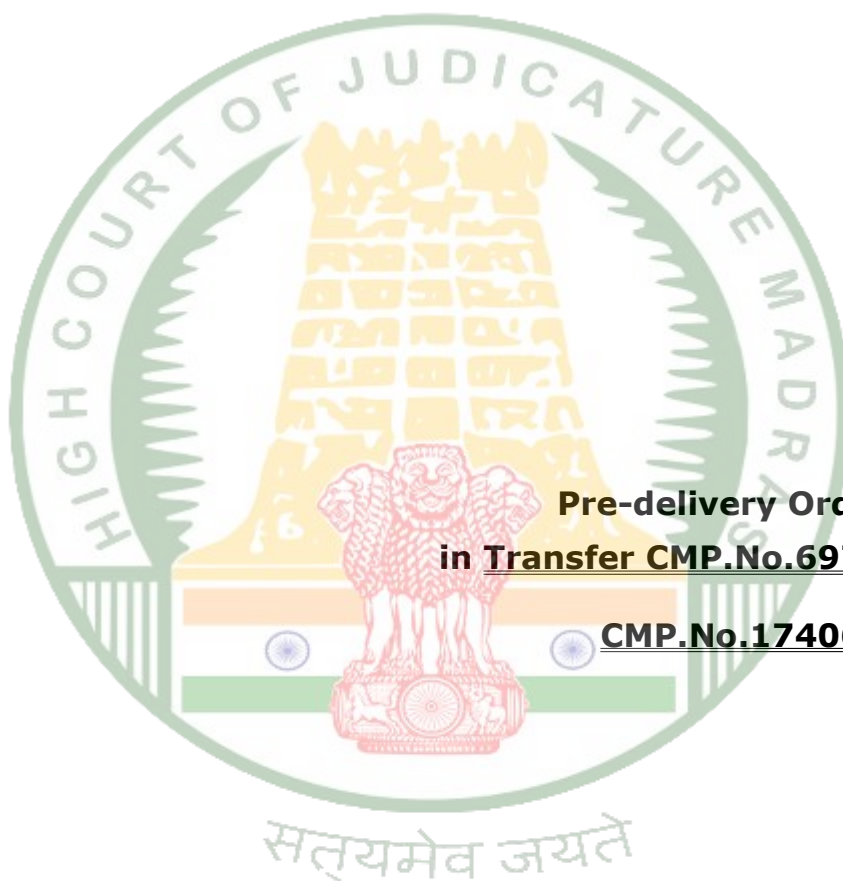
- 1.The Sub-Court, Tiruttani.
- 2.The Family Court at Chennai.



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T.RAVINDRAN, J.

sms



**Pre-delivery Order made
in Transfer CMP.No.697 of 2018
and
CMP.No.17406 of 2018**

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09.10.2018