

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.714/2018

and

CMP.17632/2018

C.Revathy ...Petitioner/Respondent

Vs.

K.Balaji @ Senthilkumaran ...Respondent/Petitioner

Prayer:

Transfer CMP is filed under Section 24 of Civil Procedure Code, praying to withdraw HMOP. No.4/2018 from the file of the court of Principal Subordinate Judge, Tindivanam, and transfer the same to the file of the Family Court Judge, Chengalpattu.

For Petitioner : Mr.D.Senthil Kumar

ORDER

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

2. The respondent has levied a divorce case against the petitioner in HMOP. No.4/2018 and the same is pending on the file of the Principal Subordinate Court, Tindivanam.

3. Seeking transfer of the abovesaid proceeding to the family court, Chengalpattu, the transfer petition has been laid by the petitioner for the reasons that she is residing at Chengalpattu, Kancheepuram District, and being a woman, finding it difficult and inconvenient to attend the proceeding at Tindivanam Court and also not mentally well placed to defend the proceeding at Tindivanam Court and accordingly prayed for the transfer.

4. Considering the nature of the proceeding at Tindivanam Court, in my considered opinion, the presence of the petitioner may not be required on all the hearing dates and the petitioner

being represented by an able advocate, it is seen that her advocate would be able to attend the proceeding during her absence as per the instructions received from the petitioner now and then. At the most, the petitioner would be required to be present only on the hearing date when her evidence is to be recorded. That apart, considering the distance between her residence and Tindivanam Court, it is found that it is not on the higher side. In such view of the matter, the reasons projected by the petitioner for seeking the transfer on account of the distance factor and other cause, as such, cannot be readily contended.

5. As regards the litigation expenses the petitioner may suffer for defending the proceeding at Tindivanam court, the petitioner is always entitled to move the concerned court for seeking the necessary relief with reference to the same in the manner known to law and therefore, the abovesaid ground also, cannot be, readily accepted for acceding to the transfer request of the petitioner.

6. In all, I do not find sufficient cause to accede to the transfer request put forth by the petitioner. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

bga

To

1. Principal Subordinate Court,
Tindivanam.

2. Family Court,
Chengalpattu.

+2cc to Mr.D.Senthilkumar, Advocate Sr.69913 and 68654

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ssv[co]
srg 31/10/2018