

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.10.2018

PRONOUNCED ON : 12.10.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.733 of 2018

and

CMP.No.17917 of 2018

Indumathi ... Petitioner

Vs.

Karthikeyan ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in HMOP No.400 of 2018 from the learned Subordinate Court, Namakkal and to transfer the same to Subordinate Court, Poonamallee.

For Petitioner : Mr.C.R.Malarvannan

ORDER

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

2.The respondent has levied HMOP No.400 of 2018 against the petitioner for dissolution of marriage on the ground of cruelty and the same is pending on the file of the Sub-Court, Namakkal.

3.Seeking transfer of the abovesaid proceeding to Poonamallee Court, the petitioner has come forward with the transfer petition on the footing that she is a resident of Ambattur and unable to travel to Namakkal Court and also has to look after her child and not having any independent source of income and therefore, prayed for transfer.

4.Considering the nature of the proceeding pending on the file of the Sub-Court, Namakkal, in my considered opinion, the presence of the petitioner may not be required on all the hearing dates. Furthermore, the petitioner being represented by an able advocate, it is found that the advocate would be able to attend the hearing dates on her behalf as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date when her evidence is required to be recorded in support of her case. In such view of the matter, the reasoning of the petitioner that she is unable to attend the proceeding at Namakkal Court on account of the distance factor and she finds it difficult and inconvenient in attending the proceeding as such cannot be readily accepted.

5.As regards the grievance putforth by the petitioner that she has no source of income for meeting

her requirements and therefore, the transfer petition should be accepted also cannot be countenanced. If really, the petitioner is entitled to maintenance, it is always open to the petitioner to approach the concerned Court with reference to the same in the manner known to law. Furthermore, the petitioner also, if advised, is entitled to move the concerned court for providing the litigation expenses in defending the divorce case laid against her by the respondent.

In the light of the abovesaid factors, I do not find sufficient cause to entertain the transfer request of the petitioner. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected CMP No.17917 of 2018 is also dismissed.

Index : Yes / No

Internet : Yes / No

sms 12.10.2018

To

1.The Subordinate Court, Namakkal.

2.The Subordinate Court, Poonamallee.

T.RAVINDRAN, J.

sms

Pre-delivery Order made  
in Transfer CMP.No.733 of 2018  
and  
CMP.No.17917 of 2018

12.10.2018