

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON :31.10.2018
PRONOUNCED ON:02.11.2018

CORAM:
THE HON'BLE MR.JUSTICE T.RAVINDRAN
Tr.C.M.P.No.748 of 2018
and
C.M.P.No.18511 of 2018

M.Ramya ...Petitioner/Respondents
Vs.

M.Prabhu ...Respondent/Petitioner

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.36 of 2016 pending on the file of the Sub Court, Vaniyambadi (Camp Court at Ambur) and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.Kumaradevan

For Respondent : Mr.Karan & Uday

O R D E R

Petitioner is the wife. Respondent is the husband.

2. All is not well qua the marital life of the petitioner and the respondent.

3. The respondent has levied H.M.O.P.No.36 of 2016 against the petitioner for divorce and the same is pending on the file of the Subordinate Court, Vaniyambadi (Camp Court at Ambur). Seeking the transfer of the abovesaid proceeding to Chennai Court, the petitioner has come forward with the transfer petition putting forth the case that she is residing at Chennai and also required to look after her aged mother, who is a patient and unable to travel to Vaniyambadi for defending the divorce case laid against her by the respondent and also the respondent has not provided any maintenance to her in respect of which she has taken separate proceeding and also apprehends danger to her life and body at the hands of the respondent and accordingly prayed for the transfer.

4. The respondent resisted the transfer request of the petitioner putting forth the case that the same had been made by the petitioner only to cause him inconvenience and hardship and accordingly, it is stated that there no prejudice would be caused to the petitioner if the proceeding is allowed to

continue at Vaniyambadi court and also put forth the submissions that in the event of the Court inclining to accept the transfer request of the petitioner, prayed that the proceeding may be transferred to Kancheepuram court for disposal as per law and accordingly prayed for appropriate orders.

5. It is represented by the petitioner's counsel that the respondent is engaged in contract work at Chennai also and accordingly put forth the contention that by way of the proceeding being conducted at Chennai Court as requested by the petitioner, no serious loss or prejudice would be caused to the respondent and accordingly prayed for the transfer of the proceeding to Chennai court as submitted by the petitioner.

6. It is seen that the petitioner is required to look after her aged mother and also it is found that the petitioner is required to look after her child and considering the distance between Chennai and Vaniyambadi, being on the higher side, it is found that the petitioner would be experiencing inconvenience and hardship in attending the proceeding at Vaniyambadi court. Furthermore, the petitioner also apprehends danger to her life and body at the hands of the respondent while attending the proceeding at Vaniyampadi court. The fact that the respondent is also engaged in contract work at Chennai is not controverted as such. In such view of the matter, it is seen that, if the proceeding is conducted at Chennai Court, by way of the same, no serious loss and prejudice would be caused to the respondent as such. Furthermore, it is also noted that the petitioner would also be forced to bear the expenses in defending the proceeding at Vaniyambadi court and when it is noted that she has already put forth the maintenance claim against the respondent, if the proceeding is allowed to continue at Vaniyambadi court, the petitioner would be further burdened with costs and therefore in all aspects, it is seen that the request of the transfer put forth by the petitioner seems acceptable and justified.

7. For the reasons aforestated, the H.M.O.P.No.36 of 2016 is withdrawn from the file of Subordinate Court, Vaniyambadi (Camp Court at Ambur) and transferred to the file of Principal Family Court, Chennai for disposal according to law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Subordinate Judge,
Sub Court,
Vaniyambadi (Camp Court at Ambur).

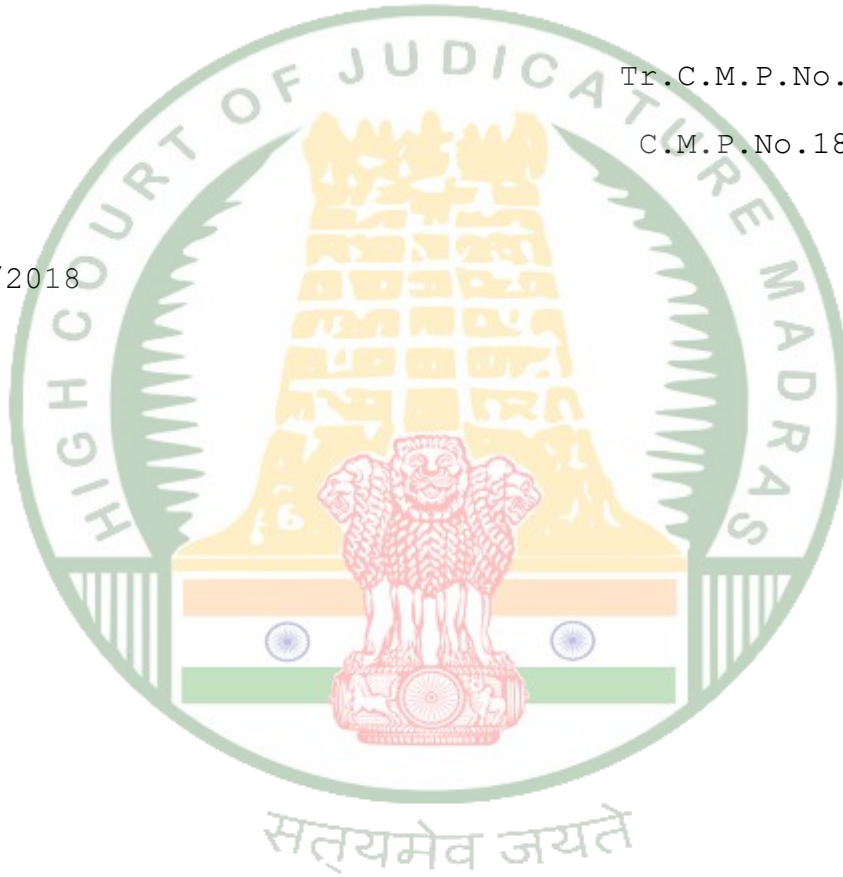
2.The Judge,
The Family Court,
Chennai.

+lcc to Mr.S.Kumara Devan, Advocate, S.R.No.75788

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VGI (CO)

rrs 05/12/2018



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