



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.206 of 2017

and

C.M.P. (MD) No.4683 of 2017

Saranya

... Petitioner

-vs-

A.Kadarkarai Selvam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.57 of 2017 pending on the file of III Additional Subordinate Court, Madurai and transfer the same to the file of the Subordinate Court, Ramanathapuram.

For Petitioner : Mr.G.Aravinthan

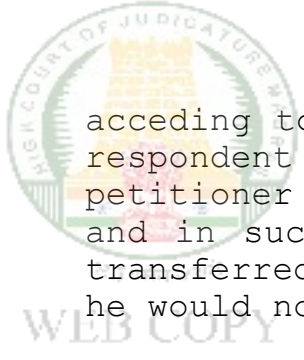
For Respondent : No representation

O R D E R

The petitioner is the wife. The respondent is the husband. All is not well *qua* the marital life of the parties. It is seen that the respondent, seeking restitution of conjugal rights, has laid H.M.O.P.No.57 of 2017 and the same is pending on the file of III Additional Subordinate Court, Madurai. Seeking transfer of the above said proceeding to the Subordinate Court, Ramanathapuram, the petitioner has come forward with the transfer request on the footing that she is residing with her parents and considering the distance factor between her residence and Madurai Court, being on the higher side, she is unable to attend the proceeding at Madurai Court and that apart, according to her, she has also to look after her infant child and therefore, she sought for the transfer as prayed for. Further according to the petitioner, on account of the threats meted by the respondent, she has been constrained to levy a domestic violence case against the respondent in M.C.No.2 of 2017 and the same is pending on the file of the Judicial Magistrate Court No.II, Ramanathapuram.

2. Insofar as this matter is concerned, it is noted that the respondent had been served, however he has not chosen to contest the transfer request either by appearing in person or through Counsel. On his being called, he remaining absent, he has been set *exparte*.

3. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Madurai Court. The said fact has not been controverted by the respondent. Accordingly it is found that the petitioner has made out a sufficient cause for



acceding to the transfer request projected by her. Furthermore the respondent would be required to defend the proceeding levied by the petitioner at the Judicial Magistrate Court No.II, Ramanathapuram and in such view of the matter, if the respondent's proceeding is transferred to the Subordinate Court, Ramanathapuram as prayed for, he would not be seriously prejudiced.

4. For the reasons afore stated, H.M.O.P.No.57 of 2017 is withdrawn from the file of III Additional Subordinate Court, Madurai and transferred to the file of the Subordinate Court, Ramanathapuram for disposal as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. III Additional Subordinate Court, Madurai.
- 2.The Subordinate Court, Ramanathapuram.

+1cc to M/s.P.Jessi Jeevapriya, Advocate Sr.No.98053

SSL

KM/SV/SAR1/26.12.2018/2P/4C

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