



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.34 of 2016
and
C.M.P. (MD) No.727 of 2016

Santhadevi

... Petitioner

-vs-

Arun Amalan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.84 of 2014 on the file of the Subordinate Court, Sankarankovil and transfer the same to the Subordinate Court, Poonthamalli, Chennai.

For Petitioner : Mr.J.C.Rathnavel Pandian
For Respondent : Mr.R.J.Karthick

O R D E R

The petitioner is the wife. The respondent is the husband. The respondent has levied H.M.O.P.No.84 of 2014 seeking divorce against the petitioner and the same is pending on the file of the Subordinate Court, Sankarankovil. Seeking transfer of the above said proceeding to the Subordinate Court, Poonthamalli, Chennai, the petitioner has come forward with the above Transfer Civil Miscellaneous Petition on the footing that she is living with her aged parents at Chennai and has to look after her son who is studying at Chennai and she is finding difficult and experiencing hardship in attending the proceeding at the Subordinate Court, Sankarankovil and if she is directed to attend the proceeding at the Subordinate Court, Sankarankovil, she would be put to monetary loss and therefore prayed for transfer.

2. It is also stated that the petitioner had already levied a maintenance case as against the respondent and despite an order of maintenance in her favour, till date, the respondent has not paid any amount towards maintenance.

3. The respondent's Counsel contended that the transfer request has been made by the petitioner only with a view to cause inconvenience and hardship to the respondent and according to him, the continuance of the proceeding at the Subordinate Court, Sankarankovil would not cause any prejudice to the petitioner.



4. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at the Subordinate Court, Sankarankovil. It is found that the petitioner is residing with her old parents at Chennai and therefore, she finds it difficult to attend the proceeding at Subordinate Court, Sankarankovil. Furthermore, the petitioner would also be required to look after her son who is studying at Chennai. It is also noted that despite the order of maintenance in favour of the petitioner, the respondent has not paid any amount towards maintenance. In such view of the matter, if the petitioner is directed to attend the proceeding at Subordinate Court, Sankarankovil, she would be further mulcted with costs and thereby suffer irreparable loss. On the other hand, it is noted that no prejudice would be caused to the respondent in acceding to the transfer request projected by the petitioner. Furthermore it is also seen that the respondent had also been necessitated to defend the maintenance case levied by the petitioner at the Judicial Magistrate Court No.II, Ambattur. In all it is noted that the petitioner has made out a sufficient cause for acceding to the transfer request put forth by her.

5. For the reasons afore stated, H.M.O.P.NO.84 of 2014 is withdrawn from the file of the Subordinate Court, Sankarankovil and transferred to the file of the Subordinate Court, Poonthamalli, Chennai 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 (AD-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Subordinate Judge, Sankarankovil.
2. The Subordinate Judge,
Poonthamalli, Chennai.

+ 1 CC TO Mr.J.C.RATHNAVEL PANDIAN, ADVOCATE IN SR No. 94719

SSL

TE/SV/SAR-1 : 12/12/2018 : 2P/4C

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