

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.878/2014

and

M.P.No.1 of 2014

Parameswaran ... Petitioner

vs.

Padmapriya ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24(1) of the Code of Civil Procedure to transfer the case C.M.P.No.30 of 2014 in M.C.No.180 of 2012 and M.C.No.180 of 2012 pending before the Family Court, Coimbatore to some other court other than the court situated in Coimbatore.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.A.Tamilarasan

ORDER

Heard both sides.

2. The husband is the petitioner in the Transfer Civil Miscellaneous Petition. He has sought for an order transferring M.C.No.180 of 2012 and the connected CMP from the Family Court, Coimbatore to the court at any place other than Coimbatore. The said prayer has been made on the basis of his allegation that he apprehends threat to his life, if he goes to Coimbatore to attend the hearing. Apart from the mere averment, no material to substantiate such an averment has been shown to exist.

3. On the other hand, the learned counsel for the respondent brings it to the notice of the court that the Maintenance Case was filed in the year 2012 and the petitioner wantonly remained ex-parte and suffered an ex-parte order; that when a warrant in execution of the ex-parte order was sought to be issued, he appeared with a petition to set aside the ex-parte order directing payment of maintenance and that the present petition for transfer is nothing but yet another attempt to prolong the case for making payment of maintenance to the wife.

4. Upon considering the submissions made on both sides, this court does not find any valid ground for transferring the maintenance case from the Family Court, Coimbatore to any

other court at a place other than Coimbatore.

Hence the Transfer Civil Miscellaneous Petition is dismissed. However, there shall be no order as to cost. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

asr

To

The Judge, the Family Court, Coimbatore.

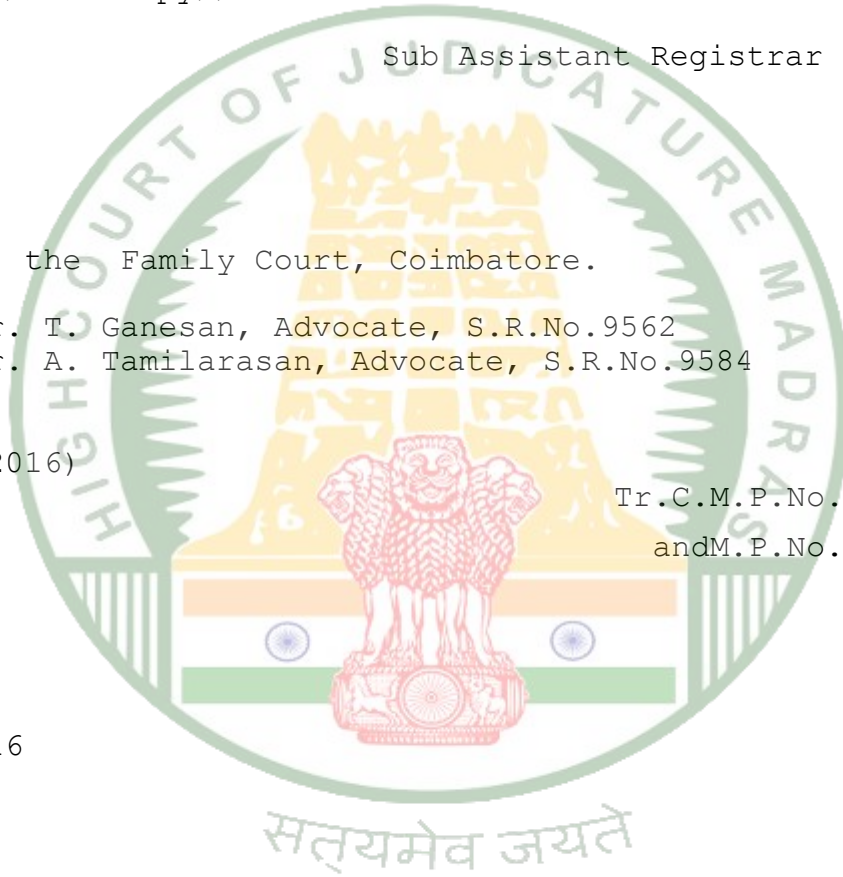
+1cc to Mr. T. Ganesan, Advocate, S.R.No.9562

+1cc to Mr. A. Tamilarasan, Advocate, S.R.No.9584

SVI (CO)
EU(26/02/2016)

Tr.C.M.P.No.878/2014
and M.P.No.1 of 2014

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