

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.722 of 2015 and

MP.No.1 of 2015

Yamini

...Petitioner

versus

S.Boomi Karthikeyan

...Respondent

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw OP No.71 of 2015 pending on the file of the Sub-Court, Cheyyar and transfer the same to the file of the Sub-Court, Ponneri, Thiruvallur.

For Petitioner : Mr.S.Makesh

For Respondent : Mr.L.Muralikrishnan

O R D E R

The respondent filed proceedings in O.P.No.71 of 2015 before the Sub-Court at Cheyyar praying for a decree of divorce. The petitioner on appearance before the Court below filed this petition for transfer on multiple grounds, including her inconvenience to appear before the Court at Cheyyar.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

3. The learned counsel for the respondent opposed the prayer for transfer on the ground that there is a threat, in case, he is made to appear before the Court at Ponneri.

4. The proceedings in O.P.No.71 of 2015 is now pending before the Sub-Court, Cheyyar. The petitioner is a permanent resident of Thervazhi within the jurisdiction of Tiruvallur District.

5. The petitioner in the affidavit filed in support of the transfer petition contended that it would not be possible for her to appear before the Court at Cheyyar after travelling about 150 kms. There is nothing on record to disbelieve the version given by the petitioner for transfer.

6. Section 19(iii-a) of the Hindu Marriage Act, permits the wife to initiate matrimonial proceedings before the Court in whose jurisdiction she is residing at the time of institution of proceedings.

7. There is nothing on record to show that there is a threat to the life of the respondent, in case, he is made to appear before the Sub-Court at Ponneri. In case there is a threat, it is open to the respondent to approach the Police and lodge a complaint. The alleged threat cannot be a reason to make the petitioner to continue to appear before the Court at Cheyyar instead of transferring the proceedings to a nearby Court.

8. The learned counsel for the petitioner submitted that there is no such threat as alleged by the respondent and the petitioner would co-operate for an early disposal of the matter.

9. In the result, the proceedings in O.P.No.71 of 2015 is withdrawn from the file of Sub-Court, Cheyyar, and is transferred to the file of Sub-Court, Ponneri, Thiruvallur, for disposal on merits.

10. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

svki

To

1.The Subordinate Judge Cheyyar

2.The Subordinate Judge, Ponneri, Thiruvallur.

+1 cc to Mr.S.Makesh Advocate sr 52062

+1 cc to Mr.Muralikrishnan Advocate sr 52276

Transfer CMP No.722 of 2015

aa18/10/2016