

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP Nos.206 and 207 of 2016 and

CMP.No.5876 of 2016

A.Karthi ...Petitioner in both petitions

versus

B.Anusha Nandhini ...Respondent in both petitions

PRAYER in Tr.C.M.P No.206 of 2016 Tr.CMP filed under section 24 of C.P.C., to withdraw the case in HMOP Nos.208 of 2014 from the file of the Sub-Court, Villupuram and to transfer the same to Sub-Court at Gingee.

PRAYER in Tr.C.M.P No.207 of 2016 Tr.CMP filed under section 24 of C.P.C., to withdraw the case in HMOP Nos.158 of 2014 from the file of the Sub-Court, Tiruvannamalai and to transfer the same to Sub-Court at Gingee.

For Petitioner : Mr.V.Vasanthakumar

For Respondent : Mr.N.Suresh

C O M M O N O R D E R

These two transfer petitions are filed by the husband to transfer the matrimonial proceedings in HMOP No.208 of 2014 from the file of the Sub-Court, Villupuram to the Sub-Court at Gingee (Tr.CMP.No.206/2016) and to withdraw the connected proceedings in HMOP No.158 of 2014 from the file of the Sub-Court at Tiruvannamalai for transfer to the Sub-Court at Gingee (Tr.CMP.No.207/2016).

2. Heard the learned counsel for the petitioner in the respective transfer petitions and the learned counsel appearing on behalf of the respondent.

3. The respondent filed proceedings in HMOP No.208 of 2014 before the Sub-court, Villupuram, praying for a decree of divorce on the ground that the marriage was a nullity. The

petitioner, on the other hand, filed a petition in HMOP No.158 of 2014 before the Sub-Court at Tiruvannamalai, praying for a decree of restitution of conjugal rights. The present request is to transfer both the proceedings to the Sub-Court at Gingee, for disposal on merits.

4. The learned counsel for the petitioner submitted that it would not be possible for the petitioner to conduct the proceedings at Villupuram, in view of the threat made by the respondent and her relatives.

5. There is nothing on record to show that the respondent and her relatives threatened the petitioner, in case, he is made to prosecute the proceedings in HMOP No.208 of 2014 at Villupuram.

6. The petitioner seeks withdrawal of the proceedings from the respective courts on the ground that there is a threat. The petitioner should produce acceptable materials before this Court to demonstrate that it would not be possible for him to prosecute the proceedings before the Court, where matrimonial proceedings are now pending. During the course of hearing, I was informed that the proceedings in HMOP No.208 of 2014 is now in the part-heard stage. Such being the factual position, it would not be feasible to transfer the proceedings. I am therefore of the view that there is no merit in the contentions taken by the petitioner.

7. The Transfer CMPs are dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

सत्यमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

svki

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To

- 1.The Subordinate Judge, Villupuram,
- 2.The Subordinate Judge, Tiruvannamalai
3. The Subordinate Judge, Gingee

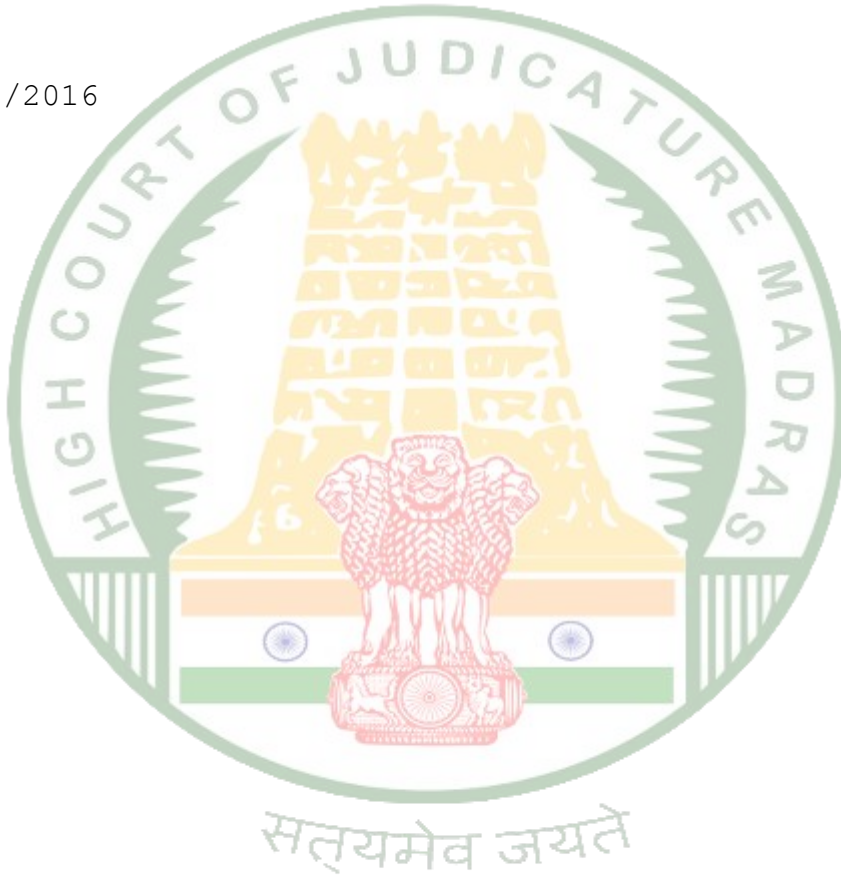
+1 CC to Mr. Suresh Advocate Sr.NO.52285

+1 CC to Mr. Vasanth Kumar, Advocate Sr.No.52192

Transfer CMP Nos.206 and 207 of 2016

MG (CO)

MD : 18/10/2016



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