

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.490 of 2016 and

CMP.No.13352 of 2016

P.Sangeetha

...Petitioner

versus

E.Rajesh

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw HMOP No.206 of 2016 pending trial on the file of learned Family Court Judge at Pondicherry and transfer the same to Cuddalore District, more particularly to the Family Court at Cuddalore District.

For Petitioner : Mr.T.Gopinathan

For Respondent : Mr.N.Easwaran

O R D E R

The respondent initiated a matrimonial proceedings in HMOP No.206 of 2016 before the Family Court at Pondicherry. The petitioner on receipt of notice from the Trial Court filed this petition for transfer.

2. According to the petitioner, it would not be possible for her to defend the proceedings now pending before the Family Court at Pondicherry. The petitioner, therefore, seeks an order to transfer the proceedings to the Family Court at Cuddalore.

3. The learned counsel for the respondent submitted that there is a life threat to the respondent at the instance of the relatives of the petitioner and as such, it would be difficult for him to appear before the Court at Cuddalore.

4. The petitioner is a permanent resident of Cuddalore. The petitioner has to travel from Cuddalore to Pondicherry for the purpose of defending the proceedings in HMOP No.206 of 2016.

5. 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.

6. The petitioner has given sufficient materials justifying transfer. I am therefore of the view that the proceedings deserves to be transferred.

7. The proceedings in H.M.O.P.No.206 of 2016 is withdrawn from the file of Family Court, Pondicherry and is transferred to the file of Family Court, Cuddalore, for disposal on merits.

8. The respondent raised a grievance that there is a threat to his life. The petitioner must ensure that no untoward incident happens at Cuddalore. The respondent must be permitted to prosecute the matter before the Family Court at Cuddalore. In case, there is any attempt on the part of the petitioner or her men to attack the respondent or to cause him bodily injury, liberty is given to him to move this Court for re-transfer of the proceedings to some other Court from Cuddalore.

9. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Family Court,
Pondicherry.

2.The Family Court,
Cuddalore.

+1cc to M/S.C.D.Johnson, Advocate Sr.59057
+1cc to M/S.N.Easwaran, Advocate Sr.58686

Transfer CMP No.490 of 2016

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mmp 12/11/2016