

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.62 of 2017

and C.M.P.No.1306 of 2017

K.Vasanth Kumar .. Petitioner

Vs.

T.Yuvarani .. Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the matrimonial original petition in M.O.P.No.187 of 2015 on the file of the Family Court at Puducherry and transfer the same to some other Court for hearing.

For Petitioner : Mr.R.Veeramani

O R D E R

This transfer petition is filed by the husband in a matrimonial proceedings seeking transfer of H.M.O.P.No.187 of 2015 from the file of the Family Court, Puducherry to any other Court.

2. The reasons given for transfer is that the wife / respondent is working as a Typist in the Judicial Magistrate Court at Puducherry and the above said H.M.O.P is also pending before the Family Court in the same campus. It is also stated that a complaint in D.V.C.No.4 of 2016 is also pending before the Judicial Magistrate-I, Puducherry. Being a Court staff in the same Court campus, it is alleged that the wife is wielding influence on account of rapport with Court staffs and the Presiding Officers. Therefore, the transfer has been sought for by the husband from the Family Court, Puducherry to any other Court.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The transfer is a serious matter and cannot be taken very lightly. Mere presumptions or possible apprehension cannot be made as the basis for transferring a case from one Court to other. It should be the endeavour of the Court to ensure that

the applicant gets fair and impartial justice. However, when there are allegations against the opposite party of threat and prejudice, in order to decide as to whether reasonable apprehension in the mind of the party exists, the Court has to apply the arm-chair rule. But in this case, though the petitioner has made allegation that the wife, who is employed in the Court is more influential, there are no such incidents of prejudice mentioned in the affidavit. The allegation of the petitioner is only the private sentiments expressed and nothing beyond that. The mere fact that wife is employed within the campus as a Typist in the Judicial Magistrate Court, may not be the reason for transfer. In fact, the husband has been attending the compliant filed by the wife in D.V.C.No.4 of 2016, which is also pending before the Judicial Magistrate at Puducherry. Hence, there is no valid ground for transferring the petition.

5. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

The Judge Family Court,
Puducherry

+1cc to Mr.R. Veeramani, Advocate, S.R.No.7650

sk(CO)
md(21/02/2017)

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