

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.804 of 2017
and
C.M.P.No.16265 of 2017

P.R.Gokuldass ... Petitioner

Versus

Mrs.S.Sowmiya ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the case in H.M.O.P.No.428 of 2015 from the file of Subordinate Judge, Poonamallee to the Family Court, Chennai.

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.V.S.Sivasundaram

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in H.M.O.P.No.428 of 2015 from the file of Subordinate Judge, Poonamallee and transfer the same to the Family Court, Chennai.

2. Heard both sides.

3. The husband in the matrimonial dispute has filed the petition in H.M.O.P.No.428 of 2015 on the file of Subordinate Court, Poonamallee for divorce. As per the address given in the affidavit, the wife is residing in Pozhichalur in Chennai. In paragraph 4 of the affidavit filed in support of this petition, he has stated that the respondent/wife has filed the petition for maintenance seeking a sum of Rs.25,000/- per month as maintenance from the petitioner/husband. It is further stated that whenever the petitioner appear before the Subordinate Court, Poonamallee, she along with her boy friends threatened him that he should withdraw th divorce petition and pay the maintenance. Hence, he wanted to the matter to be

transferred to Family Court, Chennai.

2. The petitioner/husband also seems to have filed C.R.P.No.3515 of 2017 before this Court seeking direction for speedy disposal of the O.P. However, no steps have been taken to get an order in the same. There is no valid reason made out by the petitioner under Section 24 of CPC for transferring the O.P. There is no proof or evidence to substantiate his contention, that he was threatened or apprehended danger to his life. This is yet another petition filed by the husband to harass the wife. Infact, the transfer petition seems to have been filed only as a teaser to the wife and the same is bereft of merits and hence, this petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

arr

To

1.The Subordinate Judge,
Poonamallee

2.The Family Court, Chennai.

+1cc to Mr.V.S.Sivasundaram, Advocate SR.No.85383

+1cc to Mr.C.Prakash, Advocate SR.No.85474

Tr.C.M.P.No.804 of 2017

NM(CO)

GN(19/12/2017)

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