

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.332 of 2016

and

C.M.P.No.9065 of 2016

E.Kumar

.. Petitioner

-Vs-

Jothi Lakshmi

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the H.M.O.P.No.54 of 2016 pending on the file of the Family Court, Chengalpet to any Family Court, Chennai or any other Court at Chennai.

For petitioner Mr.S.N.Kirubanandam

For RespondentServed - No Appearance

O R D E R

This transfer petition is filed by the husband in a matrimonial dispute seeking transfer of H.M.O.P.No.54 of 2016 on the file of the Family Court, Chengalpet to any of the Family Court, Chennai.

2. The husband has filed H.M.O.P.No.54 of 2016 under Section 13(1) (i-a) (i-b) of the Hindu Marriage Act on the file of the Family Court, Chengalpet for divorce.

3. It is stated in paragraph 7 of the affidavit that on 06.05.2016 when the petitioner-husband went to Chengalpet Court to attend the case, the respondent-wife and her brothers attacked him within the Court premises and a police complaint was also lodged in that regard. Therefore, the petitioner apprehends danger to his life and liberty at the hands of the respondent and her brothers. Hence, the transfer is sought for.

4. From the affidavit, it is seen that the respondent-wife is living in Kancheepuram and transferring the H.M.O.P from Chengalpet to Chennai would be difficult for the respondent also.

5. Heard the learned counsel for the petitioner. It is to be noted that the respondent has not appeared in person or through counsel despite service of notice.

6. However, considering the allegations made in the affidavit, this Court is of the view that the H.M.O.P.No.54 of 2016 pending on the file of the Family Court, Chengalpet may be transferred to Sub Court, Tambaram, wherein the parties need not appear in person and it will be easy for both the parties to appear before the Court.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.54 of 2016 pending on the file of the Family Court, Chengalpet shall stand withdrawn and transferred to the file of the Sub Court, Tambaram. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

srn

To

1.The Family Court, Cehngalpet

2.The Sub Court, Tambaram

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KP(21.11.2017)