

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.09.2018

PRONOUNCED ON :11.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.917 of 2017
and
C.M.P.No.18524 of 2017

Mangalam @ Sujatha

...Petitioner

Vs.

Anathanarayanan @ RaviKumar

....Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the proceedings in H.M.O.P.No.20 of 2017 on the file of the Principal Subordinate Court, Ulundurpet to the file of Family Court, Chennai.

For Petitioner : Mr.S.Sabarish

For Respondent :Mr.N.K.Srinivas

O R D E R

The petitioner is the wife. The respondent is the husband.

2.The respondent has laid divorce case against the petitioner in H.M.O.P.No.34 of 2016 and the same is pending on the file of Principal Subordinate Court, Villupuram and it is stated that the same had been subsequently transferred to Principal Subordinate Court, Ulundurpet and renumbered as H.M.O.P.No.20 of 2017.

3. Seeking transfer of the abovesaid proceeding to Chennai Court, on the footing that the petitioner is experiencing difficulty in attending the proceeding from Chennai and also apprehending danger to her life and body, the petitioner has come forward with the petition seeking transfer the abovesaid proceeding from Ulundurpet Court to Chennai Court.

4. The respondent contested the transfer request of the petitioner by putting for the case that the reasons given by the petitioner for effecting the transfer are not true and fortified and only with a view to cause hardship to the respondent, the Transfer Miscellaneous Petition has been laid.

5. Considering the nature of the proceeding between the parties, in my considered opinion, the presence of the petitioner may not be required on all the hearing dates of the divorce proceeding at Principal Subordinate Court, Ulundurpet. The petitioner being represented by an able advocate, it is seen that her counsel would be able to manage the show by defending the proceeding on behalf of the petitioner as per the instructions received from the petitioner now and then. At the most, the petitioner's presence would be required only on the hearing date, when her evidence is to be recorded in support her case. Therefore, the argument put forth by the petitioner that she would be put to inconvenience and hardship in attending all the hearing dates of the divorce proceeding at Ulundurpet Court as such cannot be countenanced.

6. As regards the claim of the petitioner that she apprehends danger to her life and body at the hands of the respondent at Ulundurpet court, the same is not supported by any material worth acceptance. If really, the respondent had made out any threat to her life and body at any point of time, the petitioner would have initiated necessary legal action against him in the manner known to law. However, as of now, there is no such incident between the parties. Therefore the mere apprehension on the part of the petitioner that she would be put to danger at Ulundurpet Court at the hands of the respondent, sans material, as such cannot be straightaway accepted.

7. Considering the distance between Chennai and Ulundurpet and considering the abovesaid reasons, no valid cause has been projected by the petitioner for effecting the transfer.

8. For the reasons aforesaid, I do not find sufficient cause to accept the petitioner transfer request. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

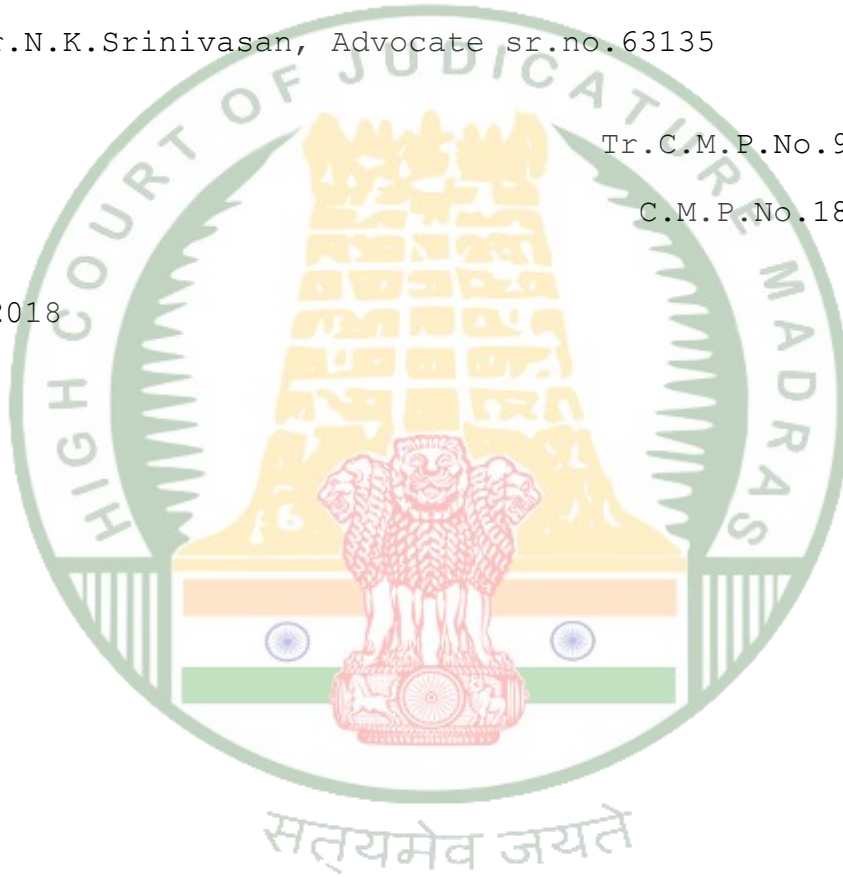
1. The Principal Subordinate Judge,
Principal Subordinate Court,
Ulundurpet.

2.The Judge,
Family Court,
Chennai.

+2cc to Mr.N.K.Srinivasan, Advocate sr.no.63135

Tr.C.M.P.No.917 of 2017
and
C.M.P.No.18524 of 2017

rj(co)
nr 28/09/2018



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