

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.08.2018

PRONOUNCED ON : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 38 of 2018

Samundeeshwari @ Eeshwari ... Petitioner

Vs.

Magesh ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.466 of 2016 on the file of the Subordinate Court, at Poonnamallee, and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Elankumaran

For Respondent : Mr.K.Ashok Kumar

ORDER

The Petitioner is the wife.

2. The respondent is the husband.

3. The petitioner is a resident of Triplicane, Chennai. The respondent is a resident of Ayappakkam, Chennai. The respondent has preferred HMOP No.466 of 2016 for divorce against the petitioner and the same is pending on the file of the Sub-Court, Poonnamallee.

4. Apprehending danger to her life and body, while attending the hearing dates of the divorce proceeding pending on the file of the Sub-Court, Poonnamallee, the transfer petition has come to be laid by the petitioner for transferring the abovesaid divorce proceeding to the Family Court at Chennai. However, as regards the above cause projected by the petitioner, there is no acceptable material forthcoming and there is no reliable material placed by the petitioner that at any point of time, she had been put to any danger, either to her life or body by the respondent. If the same had been so, the petitioner would have initiated necessary legal action against the respondent. Therefore, the argument put forth by the petitioner that she would be subjected to bodily injury as well as to her life, if she is to attend the hearing dates at Poonnamallee Sub-Court cannot

be accepted sans any acceptable material pointing to the same. Therefore, the ground projected for transfer is found to be unacceptable.

5. Considering the distance between the Sub-Court, Poonnamallee and the residence of the petitioner not on the high side, it is found that the petitioner would not be put to any hardship or loss in attending the proceeding at Poonnamallee Court. Furthermore, when the petitioner's presence is not required on all the hearing dates of the divorce proceeding and her advocate could very well manage the show on all the hearing dates of the divorce proceeding as per the instructions received from the petitioner and at the most, the petitioner's presence would be required only at the time when her evidence is to be recorded in support of her case, in all, it is found that the transfer petition laid by the petitioner is devoid of merits.

For the reasons aforesaid, the transfer Civil Miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Subordinate Court, Poonnamallee.

+1 cc to Mr.K.Ashok Kumar Advocate SR.NO. 55881

Order made
in

सत्यमेव जयते

Transfer CMP.No. 38 of 2018

ASK(05/09/2018)

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