

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON :11.08.2018
PRONOUNCED ON:14.08.2018
CORAM:
THE HON'BLE MR.JUSTICE T.RAVINDRAN
Tr.C.M.P.No. 573 of 2018
and
C.M.P.No.13947 of 2018

H.Nisha @ Nivethitha

...Petitioner/Respondent

Vs.

S.Ramarajan

...Respondent/Petitioner

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.45 of 2018 pending on the file of the Sub-Judge, Mathuranthagam to any of the jurisdictional court at Chennai.

For Petitioner : Mrs.C.Meena Arumugam

O R D E R

Petitioner is the wife. Respondent is the husband.

2. The petitioner is residing at Chennai and the respondent is residing at Mathuranthagam.

3. Inasmuch as the parties had not seen eye to eye in respect of their marital life, it is found that the respondent has preferred the petition for restitution of conjugal rights against the petitioner in H.M.O.P.No.45 of 2018 on the file of the Sub Court, Mathuranthagam. Seeking transfer of the above said proceeding to the file of the jurisdictional court at Chennai, the present transfer petition had come to be laid by the petitioner.

4. The reasons given by the petitioner for the transfer is that, since she is living at Chennai and afraid of going to Mathuranthagam during the hearing dates as the same would be threatening to her life and body at the hands of respondent, according to the petitioner, she has come forward with the transfer petition. However, the ground projected by the petitioner for transfer is unacceptable.

5. It has not been made out by the petitioner by placing acceptable materials that she had been at any point of time, subject to any harassment or ill-treatment at the hands of the respondent. If the same had been the position, the petitioner would have placed acceptable material pointing to the same. However, there is no proof placed to evidence that the respondent had extended any threat to the petitioner's body and life at any point of time. In such view of the matter, the reasoning of the petitioner that her life would be in danger, if she is directed to attend the court on all the hearing dates at Mathuranthagam as such cannot be acceptable. Particularly, when the allegations with reference to the same are bereft of any material, therefore, the above ground projected by the petitioner for seeking transfer is found to be unacceptable.

6. Considering the distance between the petitioner's place of residence and the Mathuranthagam Sub Court, the distance is not on the higher side.

7. Further, considering the nature of the respondent's petition, the petitioner not required to be present in the proceeding pending before the Mathuranthagam Sub Court on all the hearing dates. When the petitioner is found to be being represented by an able advocate in the abovesaid proceeding, her advocate could very well manage the show on the hearing dates when the matter is adjourned, as per the instructions received from the petitioner. At the most, the petitioner's presence would be required only at the time of recording the petitioner's evidence in support of her version. In such view of the matter, it is seen that the petitioner's presence would not be required on all the hearing dates of the proceeding pending before the Sub Court, Mathuranthagam.

8. In view of the abovesaid reasons, no sufficient cause has been projected by the petitioner for effecting the transfer. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

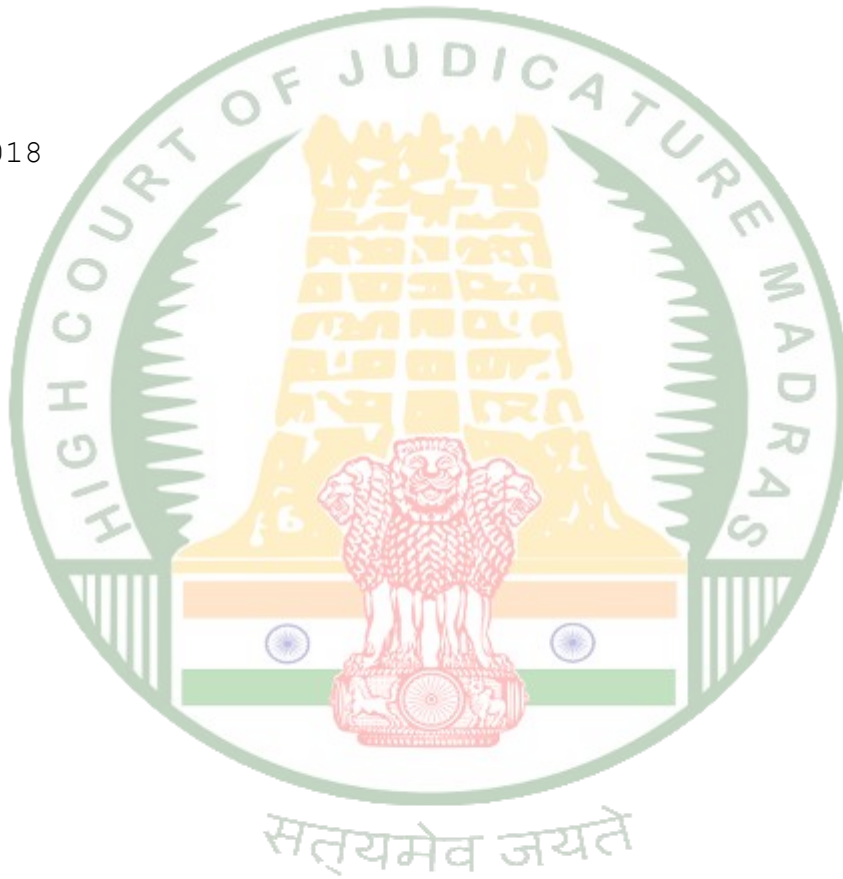
To

The Subordinate Judge,
Mathuranthagam.

+1cc to Mr.C.Meera Arumugam, Advocate Sr.56033

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srg 3/9/2018



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