

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.08.2018

PRONOUNCED ON : 21.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.587 of 2018

and

CMP.No.14106 of 2018

M.Praveena

...Petitioner

Vs.

Senthilkumar

...Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw HMOP No.135 of 2017 on the file of the learned Sub Court, Thirupathur and to transfer the same to the learned Sub Court, Tambaram or any other court at Chennai.

For Petitioner : Mr.N.Manokaran

ORDER

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

2.The respondent has levied HMOP No.135 of 2017 against the petitioner for divorce and the same is pending on the file of the Sub-Court, Thirupathur. It is found that the petitioner has entered appearance in the abovesaid matter and been contesting the case.

3.Now, according to the petitioner, inasmuch as she is a native of Thiruchengode and at presently, living in a rental house at Karapakkam, Chennai and also to bring up her child, it is her case that if she is to be directed to travel to Thirupathur to attend the hearing dates of the divorce proceeding initiated by the respondent, she would be put to loss and hardship and accordingly, considering the distance between the two places, sought for the transfer of the divorce proceeding laid by her husband to the Sub Court, Tambaram or any other Court at Chennai and also would plead that there is threat to her life at the hand of the respondent and his relatives and therefore, unable to travel to Thirupathur to attend the divorce proceeding.

4. As per the averments contained in the affidavit appended to the petition, though the petitioner claims to be a native of Thiruchengode, according to her, she is residing at Karapakkam. Considering the nature of the proceeding between the parties in HMOP No.135 of 2017, it is found that the presence of the petitioner may not be required on all the hearings dates of the said proceeding. At the most, the petitioner's presence would be required only on the hearing date when her evidence is to be recorded in support of her case. When it is found that the petitioner has engaged an able counsel to defend the proceeding on her behalf and the said counsel could manage the show on her behalf as per the instructions received from the petitioner, accordingly, it is found that the cause projected by the petitioner that she would be put to loss and hardship, if she is directed to attend all the hearing dates of the divorce proceeding at Thirupathur as such cannot be readily accepted. It is not the case of the petitioner that Thirupathur Sub-Court is not having the jurisdiction to entertain the divorce proceeding.

5. As regards the alleged threat to her life as projected in the petition at the hands of the respondent and his relatives with reference to the same, there is no acceptable material placed by the petitioner. If really any such threat had been made out by the respondent or his relatives against the petitioner at any point of time, necessary legal action would have been initiated by the petitioner against them. In such view of the matter, sans reliable material pointing to the same, we cannot safely accept the case of the petitioner that her life is put to threat by the respondent and his relatives on various occasions as sought to be made out and in such view of the matter, the abovesaid reason cannot be a justifiable one for effecting the transfer sought for.

In the light of the abovesaid reasons, I do not find sufficient cause to accept the transfer request of the petitioner. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected CMP No.14106 of 2018 is also dismissed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

sms

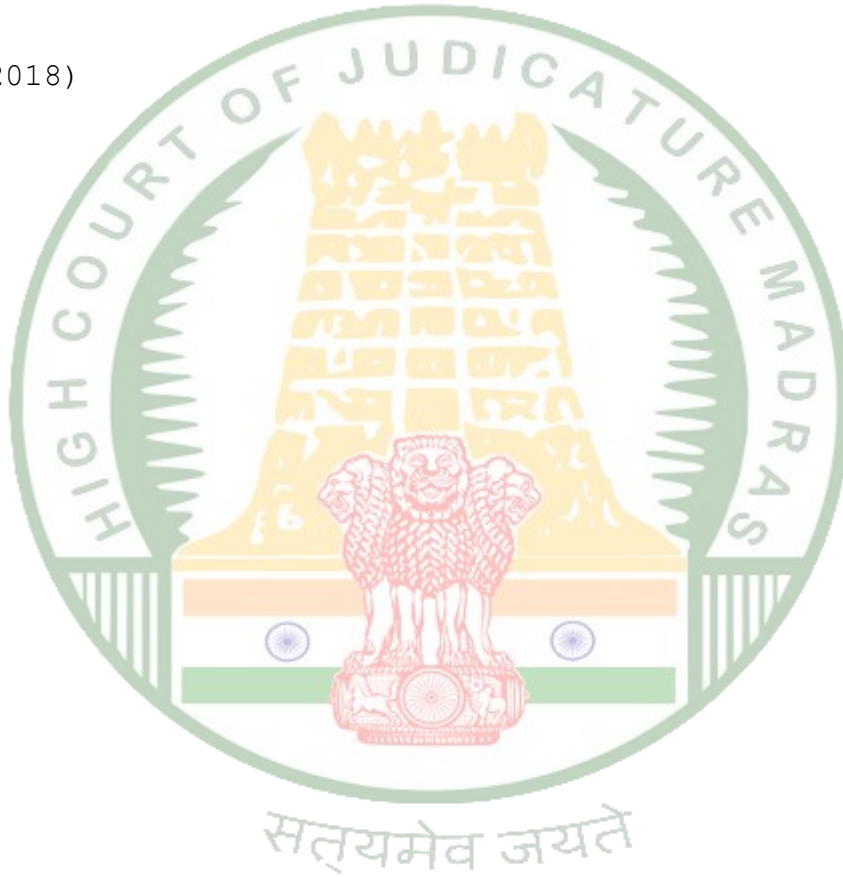
To

1. The Subordinate Judge, Thirupathur.
2. The Subordinate Judge, Tambaram.

+1 CC to Mr.N. Manokaran, Advocate sr 57729.

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and
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EV(CO)
SP(11/09/2018)



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