

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.614 of 2018
and
C.M.P.No.15016 of 2018

R.Roobala

...Petitioner

Vs.

S.Mohan

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case H.M.O.P.No.28 of 2018 on the file of the Subordinate Judge Court at Harur and transfer the sme to the subordinate Judge Court, Rasipuram, Namakkal District.

For Petitioner :Mr.B.Vasudevan

O R D E R

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

2. The respondent has levied H.M.O.P.No.28 of 2018 against the petitioner for divorce and the same is pending on the file of the Subordinate Court, Harur, Dharmapuri District. Seeking transfer of the same to the Subordinate Court, Rasipuram, Namakkal District, the present Transfer Miscellaneous Petition has been laid by the petitioner.

3. The only reason given by the petitioner for seeking the transfer is that she is residing at Namagiripettai and accordingly she finds it difficult to attend the divorce proceeding pending on the file of Subordinate Court, Harur and further she would also plead that by travelling to Harur from Namagiripettai, she would incur expenses and would also state that she apprehends danger to her life at the hands of the husband at Harur and accordingly prayed for the transfer.

4. Considering the nature of the proceeding between the parties as abovestated, it is seen that the presence of the petitioner is not required on all the hearing dates of the

proceeding. The petitioner being represented by an able advocate, she could very well attend the hearing dates of the proceeding through her advocate by giving necessary instructions to the advocate. 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. Therefore, the distance factor projected by the petitioner for seeking the transfer as such cannot be readily accepted.

5. The petitioner pleads that she would be put to financial distress, if the proceeding were to be continued at Harur Court. However, it is always open to the petitioner to move the concerned court to seek the financial assistance in meeting the litigation expenses that she may incur in defending the proceeding in the manner known to law. The abovesaid factor also cannot be given credence for accepting the transfer request.

6. The petitioner would also contend that she apprehends danger to her life and body at the hands of the respondent at Harur. However, there is no material placed on record that the respondent had acted and posed a threat to her body and life in any manner till this point of time and if the same had been true, the petitioner would have taken necessary legal action against the respondent by this point of time. Accordingly, it is seen that the abovesaid cause is projected only for the purpose of the transfer.

7. In all, it is seen that, no sufficient reason has been given by the petitioner for effecting the transfer request made by her. I do not find any valid cause to accept the transfer request.

8. Resultantly, the Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
सत्यमेव जयते

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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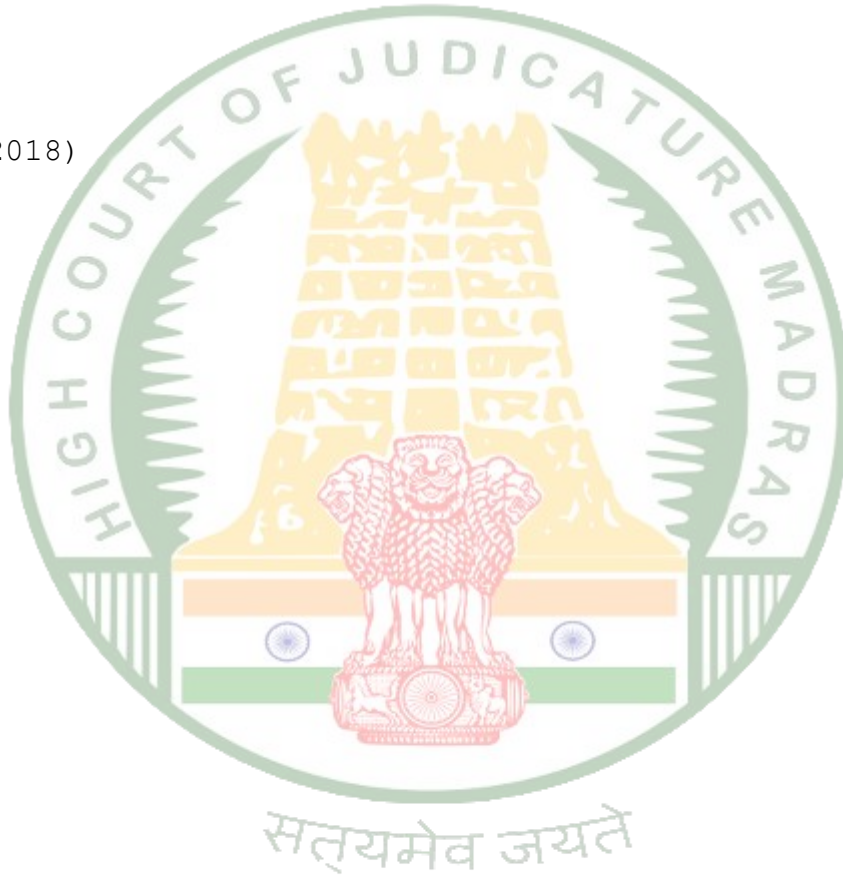
To

The Subordinate Judge,
Subordinate Court at Harur.

+1 cc to Mr. B. Vasudevan, Advocate SR.63770

Tr.C.M.P.No.614 of 2018
and
C.M.P.No.15016 of 2018

(CS-IV)
EU(25/09/2018)



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