

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.651 of 2018

and

CMP.No.16079 of 2018

V.R.Ponni ... Petitioner

Vs.

S.Naveen Raj ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.106/2018 on the file of the Sub Court, Thiruvannamalai to transfer the same before the Sub Court, Vridhachalam.

For Petitioner : Mr.S.Saravanakumar

ORDER

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

2.The respondent has laid divorce petition against the petitioner in HMOP No.106/2018 and the same is pending on the file of the Sub-Court, Thiruvannamalai.

3.Seeking the transfer of the abovesaid proceeding from Thiruvannamalai Court to Sub-Court, Vridhachalam, the petitioner has come forward with the transfer petition on the footing that she is residing at Vridhachalam and experiencing the difficulty and hardship in travelling to Thiruvannamalai from Vridhachalam to defend the proceeding and also would state that she apprehends danger to her life and body at the hands of the respondent while travelling to Thiruvannamalai and also projected that the distance between Thiruvannamalai and Vridhachalam is on the higher side and accordingly, prayed for the transfer.

4.Considering the nature of the proceeding pending in the Thiruvannamalai Court, it is found that the petitioner's presence may not be required on all the hearing dates. The petitioner being represented by an able advocate, it is found that her able advocate could very well manage the show of the proceeding on her behalf at Thiruvannamalai Court during her absence 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 of her case. Furthermore, it is seen that the distance between Thiruvannamalai and Vridhachalam is not on the higher side. Such being the position, the distance factor projected by the petitioner for seeking transfer as such cannot be readily countenanced.

5.The petitioner has also projected that she may be put to danger by the respondent, if she were to be directed to travel to Thiruvannamalai Court to attend the divorce proceeding. However, the petitioner has not placed any material worth acceptance to show that till date, the respondent has wielded any threat or caused any threat to her life and body and if the same is true, the petitioner would have initiated necessary legal action against the respondent at this point of time. However, the petitioner has not endeavoured to place any material pointing to the same. Such being the position, it is found that the reasons projected by the petitioner that she may be put to danger, to her life and body at the hands of the respondent , if she were to be directed to attend the proceeding at Thiruvannamalai, as such cannot be accepted and it is seen that the abovesaid cause is only projected for the purpose of seeking the transfer.

6.Apart from the abovesaid reasons, no other valid cause has been projected by the petitioner for seeking the transfer. In such view of the matter, for the reasons aforestated, the transfer request of the petitioner is not sustainable and accordingly, the Transfer Civil Miscellaneous petition is dismissed. Consequently, connected CMP.No.16079 of 2018 is also dismissed.

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Sub Court, Thiruvannamalai.
- 2.The Sub Court, Vridhachalam.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.651 of 2018
and
CMP.No.16079 of 2018

18.09.2018