

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.09.2018

PRONOUNCED ON : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.652 of 2018

and

CMP.No.16080 of 2018

Ezhilarasi ... Petitioner

Vs.

R.Barani ... Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.136 of 2017 pending on the file of the Family Court, Puducherry to transfer the same before the Family Court, Villupuram.

For Petitioner : Mr.S.Saravana Kumar

ORDER

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

2.The respondent has laid HMOP No.136 of 2017 against the petitioner for divorce and the same is pending on the file of the Family Court, Puducherry.

3.Seeking the transfer of the said proceeding from Puducherry Court to Family Court, Villupuram, the present transfer CMP has been laid by the petitioner on the footing that she is unable to travel to Puducherry Court for defending the proceeding and also apprehending danger to her life and body at the hands of the respondent and accordingly, sought for the transfer.

4.The distance between Puducherry and Villupuram is not on the higher side. Therefore, the distance factor projected by the petitioner for seeking the transfer as such cannot be readily accepted.

5.The petitioner would state that she apprehends danger to her life and body at the hands of the respondent in the event of her attending the proceeding at Puducherry Court. However, till date, there is no material placed by the petitioner to evidence that the respondent had wielded any threat exposing danger to her life and body and if that be so, the petitioner would have initiated necessary legal action against the respondent at this point of time, however, no such material is forth coming on the part of the petitioner. Thus, it is found that the abovesaid cause projected by the petitioner is only for the purpose of seeking the transfer.

6.Considering the nature of the proceeding on the file of the Puducherry Court, it is seen that the petitioner's presence may not be required on all the hearing dates. The petitioner could very well make other arrangements to defend the proceeding at Puducherry Court as per law, in case, she finds it difficult to attend all the hearing dates of the Puducherry Court. In such view of the matter, the distance between Villupuram and Puducherry not being on the higher side and the reasons projected by the petitioner for seeking the transfer not acceptable as such, in my considered opinion, the request for transfer as prayed for cannot be acceded to.

Resultantly, the Transfer Miscellaneous Petition is dismissed. Consequently, connected CMP No.16080 of 2018 is also dismissed.

18.09.2018

Index : Yes / No

Internet : Yes / No

sms

To

- 1.The Family Court, Puducherry.
- 2.The Family Court, Villupuram.

T.RAVINDRAN, J.

sms

Pre-delivery Order made
in Transfer CMP.No.652 of 2018
and
CMP.No.16080 of 2018

18.09.2018