

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.08.2018

PRONOUNCED ON : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No. 74 of 2018

M.Mohanasundari

...

Petitioner

Vs.

S.Palaniappan

...

Respondent

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the HMOP No.122 of 2017 on the file of the Family Court, Ariyalur, Ariyalur District and transfer the same to the Family Court, Trichy, Trichy District.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.R.Venkatesulu
for Mrs. Usha Ramman

ORDER

The petitioner is the wife.

2. The respondent is the husband.

3. The respondent has levied divorce proceeding against the petitioner in HMOP No.68 of 2017 (re-numbered as FC.HMOP.122 of 2017) on the file of the Family Court, Ariyalur.

4. Contending that the petitioner is a resident of Trichy and as she could not travel to Ariyalur Court on all the hearing dates of the divorce proceeding and there is every possibility of threat to her life and body, while attending the divorce proceeding at Ariyalur Court, on the abovesaid reasonings, the petitioner has come forward with the transfer petition seeking transfer of the divorce proceeding from the file of the Family Court, Ariyalur to the Family Court, Trichy.

5. As rightly argued by the respondent, the distance between Trichy and Ariyalur is not on the higher side. Be that as it may, considering the nature of the proceeding initiated by the respondent against the petitioner, it is found that the

petitioner's presence may not be required on all the hearings dates of the proceeding. When the petitioner is being represented by an able advocate in the divorce proceeding, it is seen that the advocate could manage the show as per the instructions received from the petitioner. At the most, the petitioner's presence would be required in the divorce proceeding only at the time when her evidence is to be recorded in support of her case. In such view of the matter, the above cause projected by the petitioner for transfer that she is unable to attend the hearing dates of the divorce proceeding at Ariyalur and therefore, the transfer should be effected as such cannot be countenanced.

6. The other ground projected by the petitioner for seeking transfer is that she may be put to threat to her life and body at the hands of the respondent during her visit to Ariyalur Court on the hearing dates. However, the petitioner has not made out any cause that till date, she had been subjected to any harassment or threat to her life at the hands of the respondent. If that be so, the petitioner would have instituted necessary legal action against the respondent and would have projected the materials with reference to the same in support of her case. In such view of the matter, merely alleging that her visit to Ariyalur Sub-Court may cause threat to her life and body as such cannot be countenanced sans any material pointing to the same. Thus, it is found that the above ground has been projected only for the the purpose of the transfer and not genuinely.

7. In the light of the above reasonings, when the ground projected by the petitioner for effecting the transfer do not merit acceptance, I am not inclined to accept the transfer petition.

Resultantly, the transfer Civil Miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Family Court, Ariyalur, Ariyalur District.

+1 cc to Mrs. Usha Ramman Advocate SR.NO. 56270

Order made
in Transfer CMP.No. 74 of 2018

ASK (03/09/2018)