IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 29.10.2018
PRONOUNCED ON : 30.10.2018

CORAM
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Transfer CMP.No.689 of 2018
and
CMP.No.17087 of 2018

S.Ramya ...Petitioner/Respondent

Vs.

R.Prabhakar ...Respondent/Petitioner

Prayer :- Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC to withdraw the case in HMOP No.200 of 2018 on the file of the Subordinate Judge at Tambaram and to transfer the same to the Family Court, at Thiruvellore.

For Petitioner : Mr.G.A.Thiyagarajan

For Respondent : Mr.P.Kumaresan
for M/s.S.S.Jayanthi

ORDER

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

2.All is not well qua the marital life of the abovesaid parties.

3.The respondent has levied HMOP No.200 of 2018 against the petitioner for divorce and the same is pending on the file of the Subordinate Court, Tambaram.

4.Seeking transfer of the abovesaid OP to the Family Court, Thiruvellore, the petitioner has come forward with the transfer petition on the footing that there is a continuous threat or pressure on the part of the respondent in obtaining consent from her to the proposed divorce and he had also exhibited open threat and in this connection, complaint had also been lodged but no concrete action had been taken with reference to the same and therefore, putting forth the abovesaid hardship and inconvenience as well as stating that she is residing at Thiruvellore and also unable to bear the expenses in defending the proceeding at Tambaram Court, accordingly, prayed for the transfer.

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5.The respondent's counsel contested the transfer request of the petitioner by putting forth that the aim of the petitioner in mating the transfer request is only to cause harassment and hardship to the respondent and the petitioner has stated to be a resident of Chennai and therefore, the petitioner cannot claim that she is a resident of Thiruvellore and furthermore also deny the reasonings of the petitioner that there is a threat on the part of the respondent exhibiting danger to her life and body as well as pressure on his side to obtain her consent for divorce and according to him, all these allegation are made only for the purpose of transfer and therefore, prayed for the dismissal of the transfer petition.

6.As could be seen from the petition itself, the petitioner has given her address as located at Mugalivakkam, Porur Extension Chennai, and she would only state that she has temporarily comedown to Chennai and according to her, her permanent resident is at Thiruvellore. The reasonings of threat and pressure putforth by the petitioner for seeking transfer are vehemently controverted by the respondent. Furthermore, the respondent also contended that the petitioner's presence may not be required on all the hearings dates of the proceeding and at the most, the petitioner's presence would be required only at the time when her evidence is to be recorded in support of her case.

7.Both the counsel during the course of arguments suggested that to the convenience of both the parties, the proceeding may be transferred to Chennai Court so that no prejudice would be caused to either of them and the matter would be conducted in the usual manner and therefore, prayed for appropriate orders.

8.Considering the residence of the petitioner as well as the respondent located at Chennai and also the submissions made by their counsel that the conduct of the proceeding at Chennai Court would be convenient and beneficial to both the parties and accordingly, in my considered opinion, the interest of justice would be served, if the proceeding is ordered to be transferred to Chennai Court for disposal as per law.

9.For the reasons aforestated, HMOP No.200 of 2018 is withdrawn from the file of the Subordinate Court, Tambaram and transferred to the file of the Principal Family Court, Chennai for disposal as per law.

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Accordingly, the Transfer Civil Miscellaneous petition is disposed of. Consequently, connected CMP.No.17087 of 2018 is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sms

To

1.The Subordiante Judge, Tambaram.
2.The Principal Family Court, Chennai
3.The Judge, Family Court, Tiruvellore.

+1cc to Mr.G.A.Thiyagarajan, Advocate, S.R.No.74482

Transfer CMP.No.689 of 2018
and
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KK(CO)

rrs 20/11/2018

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