

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.03.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR.CMP.NO.48 of 2019
and
C.M.P.NO.1512 OF 2019

Poongodi @ Mohana

... Petitioner

Vs.

S.Deva @ Devendiran

... Respondent

PRAYER:

Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.4332 of 2017 on the file of the VII Additional Family Court at Chennai and to transfer the same to the Family Court at Thiruvelllore.

For petitioner : Mr.G.A.Thiyagarajan

For respondent : Mr.R.Arunkumar

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw H.M.O.P.No.4332 of 2017 on the file of the VII Additional Family Court, Chennai and to transfer the same to the Family Court at Thiruvelllore.

2. The petitioner is the wife. The respondent / husband filed a divorce petition in H.M.O.P.No.4332 of 2017 before the VII Additional Family Court, Chennai and the petitioner / wife filed a petition in H.M.O.P.No.185 of 2018 seeking restitution of conjugal rights, before the Family Court, Tiruvallore.

3. Even in the petition filed by the husband for divorce, the address of the petitioner / wife was shown as Tiruvallore and the averments made in the petition filed by the husband for divorce reveals that the petitioner / wife is suffering from certain ailments. The petitioner has three years old child. She finds it very difficult to travel along with her 3 years old child to Chennai to attend the case before the VII Additional Family Court, Chennai. Therefore, on the ground of convenience

and physical hardship caused, she seeks transfer of the divorce petition filed by the respondent / husband before the VII Additional Family Court, Chennai to Family Court, Tiruvallore.

4. The learned counsel for the respondent submits that there is threat to the respondent's life at the hands of family members of the petitioner / wife and the same was also pleaded in his petition for divorce. Therefore he seeks transfer of the case to a neutral venue.

5. After considering all these circumstances, this Court is inclined to transfer the divorce petition filed by the respondent Family Court, Chennai to Family Court, Tiruvallore. Accordingly, H.M.O.P.No.4332 of 2017 pending on the file of VII Additional Family Court, Chennai is withdrawn and transferred to Family Court, Tiruvallore.

6. In case of any threat, it is open to the respondent / husband to file a complaint before the concerned Police station seeking protection.

7. The Transfer Civil Miscellaneous Petition is disposed of with the above directions. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bkn
To

1.The VII Additional Judge,
Family Court, Chennai.

2.The Judge,
Family Court, Tiruvellore.

+1cc to Mr.G.A.Thiyagarajan, Advocate, S.R.No.20667

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NRL (CO)
CS/03/05/2019