

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.137 of 2019

Sudha

... Petitioner

Vs.

Senthil

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.100 of 2018 on the file of the Sub Court, Gingee, Villupuram District and transfer the same to the file of the Principal Sub-Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakash Babu

For Respondent : Mr.V.Bhiman

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.100 of 2018 from the file of the Sub Court, Gingee, Villupuram District to the file of the Principal Sub-Court, Tiruvannamalai.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a petition for divorce in H.M.O.P.No.100 of 2018 before the Sub Court, Gingee. The petitioner and the respondent are residing in the same village and the marriage was solemnized at the same place. The petitioner/wife is facing threat to her life, hence, she seeks transfer of the case from Sub Court, Gingee to Principal Sub Court, Tiruvannamalai. She would further submit that she belongs to a poor family and the respondent's family members and relatives used to gather in larger numbers and prevent her from entering the Court to contest the case. Therefore, a submission is made that it is not safe for her to conduct the case at Gingee and seeks transfer of the case.

3. Controverting the statement, the learned counsel for the respondent contended that the respondent is a physically disabled person. The Government Doctors of Villupuram have

certified the disability at 60% and stated that it is very difficult for him to travel to Tiruvannamalai with his physical disability. He cannot stand more than 5 minutes in the bus during peak hours. Since, the petitioner/wife has approached this Court with ulterior motive to harass the respondent, the petition deserves dismissal.

4. I heard the submissions.

5. It is not in dispute that both the parties belong to the same village and distantly related also. Admittedly, the respondent is a disabled person, but he is employed and travels to his office at Chennai every day. Therefore, the contention that the respondent is unable to travel cannot be sustainable.

6. Considering the safety of the petitioner and social circumstances of the area, this Court is inclined to transfer the divorce petition in H.M.O.P.No.100 of 2018 filed by the husband to the file of Sub-Court, Thiruvannamalai.

7. Accordingly, H.M.O.P.No.100 of 2018 pending on the file of Sub Court, Gingee, Villupuram District is withdrawn and transferred to the file of Sub Court, Thiruvannamalai.

8. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

bri
To

1. The Judge,
Sub Court, Gingee,
Villupuram District.

2. The Judge,
Sub Court, Thiruvannamalai.

+1 cc to Mr.V.Prakashbabu, Advocate, S.R.No.38113

+1 cc to Mr.V.Bhiman, Advocate, S.R.No.38488

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MR (CO)
SSM(20/06/2019)