

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.209 OF 2019
AND CMP NO.6326 OF 2019

M.Sivasankari

... Petitioner

Vs.

K.S.Rajeshkannan

... Respondent

PRAYER: Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP No.96 of 2018 pending on the file of the Subordinate Court at Uthangarai and transfer the same to Family Court, Erode.

For Petitioner : Mr.R.Shase

For Respondent : Mr.P.M.Duraiswamy

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.96 of 2018 from the file of Subordinate Court, Uthangarai and transfer the same to Family Court, Erode.

2. The petitioner is the wife. The respondent / husband filed a petition in HMOP No.96 of 2018 seeking divorce before the Subordinate Court, Uthangarai. The petitioner is a resident of Erode. Even in the petition filed by the respondent / husband for divorce, the address of the petitioner/wife was shown as Erode. Pleading physical hardship for travelling from Erode to Uthangarai, for every hearing, the petitioner seeks transfer of the petition filed by her husband before the Subordinate Court, Uthangarai to Family Court, Erode.

3. Learned counsel appearing for the respondent would submit that the respondent faces some threat to his life at the hands of the family members of the petitioner. Therefore, he seeks a neutral venue.

4. Considering the submissions made by both parties, this Court is of the opinion that the matter can be transferred to Family Court, Salem. Accordingly, HMOP No.96 of 2018 pending on the file of Subordinate Court, Uthangarai is withdrawn and transferred to the Family Court, Salem. The learned Judge, Family Court, Salem, is directed to refer the matter for mediation immediately on receipt of bundles.

5. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

TK

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Uthangarai.
2. The Judge,
The Family Court
Salem.

+1cc to Mr.P.M.Duraiswamy, Advocate, SR.No.39338
+1cc to Mr.M.Guruprasad, Advocate, SR.No.39291

TR.CMP.NO.209 OF 2019

Kak (28/06/2019)

सत्यमेव जयते

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