

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2019

CORAM

THE HONOURABLE JUSTICE M.GOVINDARAJ

Tr.C.M.P.No.688 of 2018

&

CMP.No.17030 of 2018

Mrs. Shabana Begum

.. Petitioner

-vs-

Mr. Rahamathulla

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition filed praying to withdraw the case in O.S.No.6 of 2018 which is pending on the file of the Family Court Judge, Thiruvallur and transfer the same to the Court at Family Court Judge, Villupuram to be tried on merits.

For Petitioner : Mr.S.Dawoodkhan

For Respondent : No appearance

O R D E R

This petition is filed seeking to withdraw the MOP.No.300 of 2018 pending on the file of the Family Court, Puducherry and to transfer the same to the II Additional Family Court, Chennai to be tried along with OP.No.2124 of 2018.

2. The petitioner is the wife of the respondent herein. The respondent husband filed a case in O.S.No.6 of 2018 against the petitioner wife for Restitution of Conjugal Rights before the Family Court, Thiruvallur.

3. Despite the service of notice, the respondent has not chosen to appear before this Court.

4. Learned counsel for the petitioner would submit that at present the petitioner is residing with her parents at Villupuram since the parents of the respondent husband has threatened her with dire consequences. He would further submit that it is difficult for her to go to Thiruvallur from

Villupuram to attend the case as she is facing threats from the respondent husband and his family. Thus he prayed to withdraw O.S.No.6 of 2018 from the file of Family Court, Thiruvallur and transfer the same to Family Court, Villupuram.

5. Perusal of the pleadings, it is seen that the petitioner wife is facing physical threat to her life and safety from the respondent. She also apprehends danger and that it is not safe for her to travel from Villupuram to Thiruvallur to attend each and every hearing.

6. Considering the threat pleaded by the petitioner wife as well as the inconvenience caused to the petitioner wife to travel from Villupuram to Thiruvallur to attend the Court, this Court is of the considered opinion that the O.S.No.6 of 2018 pending on the file of Family Court, Thiruvallur can be transferred to Family Court, Villupuram, where the wife resides.

7. Accordingly, the O.S.No.6 of 2018 pending on the file of Family Court, Thiruvallur is withdrawn and the same is transferred to Family Court, Villupuram.

8. The Family Court, Villupuram is directed to renumber the case and issue summons to the respondent/husband.

9. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently connected CMP.No.17030 of 2018 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

msr/tk
To

1. The Family Court, Thiruvallur.
2. The Family Court, Villupuram.

+1 cc to M/s.S.Dawood Khan, Advocate, S.R.No.11069

Tr.C.M.P.No.688 of 2018
&
CMP.No.17030 of 2018

KJ(CO)
SSM(04/04/2019)