

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.938 OF 2018
AND CMP NO.23155 OF 2018

Aruneshwari

... Petitioner

Vs.

Kuppusamy

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP No.211 of 2017 on the file of the Sub Court, Mettur and transfer the same to the Family Court, Dharmapuri.

For Petitioner : Mr.K.S.Karthik Raja
For Respondent : Mr.V.Balamurugane

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.211 of 2017 from the file of Subordinate Court, Mettur and to transfer the same to the file of Family Court, Dharmapuri.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Sub Court, Mettur. The petitioner / wife is a resident of Dharmapuri District and she finds it very difficult to travel a long distance to attend the hearings of the case at Sub Court, Mettur. Therefore, she seeks transfer of the case to Family Court, Dharmapuri.

3. On the other hand, the respondent / husband would contend that he faces threat to his life at the hands of the family members of the petitioner / wife. In previous instance, there were police complaints and mediations were held. At that time, the respondent / husband was assaulted by the family members of the petitioner / wife. Therefore, he seeks that the case can be transferred to a neutral venue.

4. Heard the submissions made on either side and perused the materials available on record.

5. Considering the convenience of both the parties, this Court is of the view that the case can be transferred to a neutral place. Accordingly, H.M.O.P.No.211 of 2017 pending on the file of Sub Court, Mettur, is withdrawn and transferred to the Sub Court, Omalur. A direction is issued to the Sub Judge, Mettur, to transfer the files to the Sub Court, Omalur and the Sub Court, Omalur is directed to renumber the petition, issue notice to both the parties and continue the proceedings from where it stands and dispose of the same, as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Sub Court
Mettur.

2.The Sub Court
Omalur.

+1cc to Mr. K.S.Karthik Raja , Advocate SR.No. 20626

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A.SK(13/03/2019)

सत्यमेव जयते

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