

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.791 of 2018
and C.M.P.No.19536 of 2018

V.Jeyaprakash

... Petitioner

Vs.

Prathima

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the petition in G.W.O.P.No.3154 of 2016 from the file of the Hon'ble III Additional Family Court Judge at Chennai and to transfer the same to the file of the Hon'ble Principal District Judge at Theni.

For Petitioner : Mr.Praveen Alexander

For Respondent : M/s.Shaikh Mehrunisa

O R D E R

This Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the G.W.O.P.No.3154 of 2016 from the file of III Additional Family Court Judge at Chennai to the file of Principal District Judge at Theni.

2. The petitioner/husband alleges that he is threatened by the respondent. In support of such contention, petitioner has produced the First Information Report filed against him and petitioner was taken into custody, due to influence of the respondent/wife.

3. On the other hand, the learned counsel appearing for the respondent/wife would contend that false allegations are made only because the respondent is happen to be an Advocate, other than that there is no material to show that the respondent/wife indulged in illegal activities. Being a women it is very difficult for her to travel such a long distance, which has a direct impact on her corporeal and mental faculties.

4. On the other hand, the learned counsel appearing for the petitioner/husband would submit that petitioner has been threatened by respondent/wife and that it is not conducive to conduct the case at Chennai.

5. Considering the rival contentions, this Court is of the considered view that in order to maintain balance between the parties, the matter can be transferred to a neutral venue, i.e., to the file of Sub Court, Tambaram, where the presence of party is not necessary for every hearing. Accordingly, G.W.O.P.No.3154 of 2016 on the file of III Additional Family Court Judge, Chennai is transferred to the file of Sub Court, Tambaram. The III Additional Family Court Judge, Chennai is directed to transfer the papers to the Sub Court, Tambaram forthwith and the Sub Judge, Tambaram is directed to renumber the O.P and issue notice to the parties and dispose of the petition as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petition is disposed of with above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

bri

To

1. The III Additional Family Judge,
Chennai.

2. The Sub Judge, Tambaram.

+1 cc to Mr.Praveen Alexander, Advocate, S.R.No.11670

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PA(CO)

SSM(01/03/2019)

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