

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.939 OF 2018
AND CMP NO.23220 OF 2018

G.Nithiya

... Petitioner

Vs.

Arun Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP No.70 of 2016 from the file of Subordinate Court, Ranipet, Vellore District and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondent : Mr.S.Silambuselvan

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.70 of 2016 from the file of Subordinate Court, Ranipet, Vellore District and to transfer the same to the file of Family Court, Chennai.

2. The petitioner is the wife. She filed this Transfer Civil Miscellaneous Petition for transfer of the divorce petition filed by the respondent / husband, on the file of Sub Court, Ranipet, to Family Court, Chennai, on the grounds of physical and financial hardships. Admittedly, the petitioner is a resident of Chennai and it is very difficult for her to travel long distance to attend the hearings at Ranipet. Apart from this, there are serious allegations of threat, safety of the petitioner at the husband's place.

3. On the other hand, the respondent / husband would submit that an exparte decree was passed in the divorce petition filed by him and thereafter, he has got married another women. The

intention of the petitioner is only to harass him. Further, the petitioner has filed complaints against the respondent and FIRs' were registered on 08.04.2017 and 09.04.2017 respectively and that the respondent / husband apprehends harrasment from the side of the petitioner.

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

5. Considering the rival submissions, this Court is of the view that the case can be transferred to a neutral place. Accordingly, H.M.O.P.No.70 of 2016 pending on the file of Sub Court, Ranipet, is withdrawn and transferred to the Family Court, Tiruvallur. A direction is issued to the Sub Judge, Ranipet to transfer the files to the Family Court, Tiruvallur and the Family Court, Tiruvallur, 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

//True Copy//

Sub Assistant Registrar

TK

To

1.The Subordinate Judge,
Ranipet, Vellore District.

2.The Family Court,
Tiruvallur.

+1 cc to Mr.S.Silambuselvan, Advocate Sr.No.19475

+1 cc to Mr.K.T.S.sivakumar, Advocate Sr.No.18836

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AD(CO)
CSL/01.04.2019