

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.03.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR.CMP.NO.933 of 2018
and
C.M.P.NO.23096 OF 2018

J.K.Balambika

... Petitioner

Vs.

Boopathi

... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw H.M.O.P.No.88 of 2018 on the file of Sub Judge, Kallakurichi and transfer the same to Family Court, Dharmapuri to try along with FCMC.NO.74 of 2018 and FCHMOP.NO.200 OF 2018.

For petitioner : Mr.R.Nalliyappan
For respondent : Mr.K.Gandhi Kumar

ORDER

This petition is filed by the petitioner seeking to withdraw the H.M.O.P.No.88 of 2018 on the file of Sub Judge, Kallakurichi and transfer the same to Family Court, Dharmapuri and try along with FCMC.NO.74 of 2018 and FCHMOP.NO.200 OF 2018.

2. The petitioner is the wife. The respondent / husband filed a divorce petition in H.M.O.P.No.88 of 2018, before the Sub Court, Kallakurichi, whereas, the petitioner filed a petition in F.C.M.C.NO.74 of 2018, for maintenance, before Family Court, Dharmapuri and also filed a petition F.C.H.M.O.P.NO.200 of 2018, for restitution of Conjugal rights before the same Court.

3. The petitioner finds it very difficult to travel from Dharmapuri to Kallakurichi for every hearing. Hence she seeks transfer on the ground of physical and mental hardship. She would also submit that she is having two children aged about six years and four years respectively and she finds it very difficult to leave them alone and to travel such a long distance.

4. The respondent / husband contended that he faces threat to his life at Dharmapuri at the hands of the petitioner's family members. Even the petition for divorce was filed on the ground that he was assaulted by his father-in-law and brother-in-law on different occasions and it is not safe for him, to travel to Dharmapuri to contest the case.

5. Considering the convenience of the parties, this Court is inclined to transfer the petitions filed by either parties to a neutral venue. Accordingly, H.M.O.P.No.88 of 2018 filed by the husband for divorce pending before the Sub Court, Kallakurichi and petitions filed by the wife is F.C.M.C.NO.74 OF 2018 and F.C.H.M.O.P.NO.200 OF 2018, pending before the Family Court, Dharmapuri are withdrawn and transferred to Sub Court, Omalur. The Sub Judge, Omalur, is directed to renumber all the petitions and issue notice to both the parties 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 VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Sub Court, Kallakurichi.
- 2.The Family Court, Dharmapuri.
- 3.The Sub Court, Omalur.

+1cc to Mr.K.Gandhi Kumar, Advocate sr.21995

+1cc to Mr.R.Nalliyappan, Advocate sr.22803

TR.CMP.NO.933 of 2018

and

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rsi(co)

nr 02/07/2019

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