



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P.(MD).No.64 of 2019 and
C.M.P.(MD).No.1574 of 2019

Praveena

.. Petitioner/Respondent

Vs.

Satheesh Mohan

.. Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to pass an order to withdraw the H.M.O.P.No.15 of 2017 on the file of the Sub Court, Valliyoor and transfer the same to the Family Court, Coimbatore.

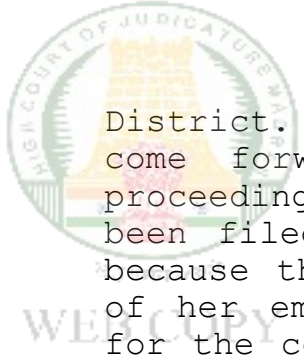
For Petitioner : Mr.S.Ayyanar Prem Kumar

ORDER

This Transfer Miscellaneous Petition is filed by wife to withdraw the proceedings in H.M.O.P.No.15 of 2017 from the file of the Sub Court, Valliyoor and transfer the same to the Family Court, Coimbatore.

2.The petitioner married the respondent on 28.01.2008 and it is stated that both are relatives and both hail from the native of Kulasekaram in Kanniyakumari District. The marriage took place in Arasamedu, a place in Kanniyakumari. The petitioner and the respondent were living together in the same place and due to misunderstanding, the husband filed this present divorce petition before the jurisdictional Court i.e., Sub Court, Valliyoor on the ground of cruelty. It appears that the petitioner is at present working in Coimbatore and she is now residing with her parents at Coimbatore. Therefore the petitioner submits that the proceedings which are now pending before the Sub Court, Valliyoor should be transferred to the Family Court, Coimbatore. No other valid ground is made in the petition for transfer.

3.First of all the petitioner has admitted that her permanent place of residence is only in Kanniyakumari District and the petitioner is employed in Coimbatore for the present. It is admitted that the petitioner has filed a criminal complaint against the respondent showing her residence in Kanniyakumari District. Similarly, the petitioner has filed a petition under Section 156(3) Cr.P.C. before the learned Judicial Magistrate, Padmanabhapuram to register the criminal complaint. In the said petition also the petitioner has shown her residence at Kulasekaram, Kanniyakumari



District. Suppressing her permanent residence, the petitioner has come forward with this petition to transfer the matrimonial proceedings only on the ground that the petition for divorce has been filed with an intention to harass the petitioner. Merely, because the wife is temporarily residing at Coimbatore on account of her employment, matrimonial proceedings cannot be transferred for the convenience of the wife. In matrimonial proceedings like this, the allegations made against the wife has to be proved and the husband will have a fair chance only if the proceedings are conducted in a place where both were living together. This Court find no reason or ground to transfer the proceedings from Sub Court, Valliyoor to Family Court, Coimbatore. This petition lacks bonafide.

4. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1. The Sub Judge, Valliyoor.

2. The Family Court Judge, Coimbatore.

+1CC TO MR.K.N.THAMPI, Advocate Sr. No. 67320

Tr.C.M.P. (MD) .No.64 of 2019
06.06.2019

NR(CO)

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