



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Tr.CMP(MD)No.138 of 2019

and

C.M.P. (MD)No.3036 of 2019

M.Venkatesan

: Petitioner/Respondent

Vs.

Archana @ Lakshmipriya

: Respondent/Petitioner

Prayer: Civil Revision Petition filed under Section 24 C.P.C, to withdraw the H.M.O.P.No.229 of 2017, pending on the file of the Additional Subordinate Judge, Thanjavur and transfer to some other Court at Madurai.

For Petitioner : Mr.S.Vijayakumar

For Respondent : No Appearance

ORDER

The husband is the petitioner herein seeking transfer of the proceedings filed by the wife in H.M.O.P.No.229 of 2017, on the file of the Additional Subordinate Court, Thanjavur.

2.In the affidavit filed by the petitioner before this Court, he has stated as follows:

"4) I respectfully submit, at this point of time one girl who got divorce from her husband agreed to marry me. Therefore on 31.07.2016 I entered a consent divorce Agreement Deed with the respondent. I returned all the jewels and her belongings to the respondent. Subsequently to grab a sum of Rs.25 lakhs from me, she started the legal battle by filing many cases against me. Hence the girl who came forward to marry me dropped the marriage proposal with me. Again I filed a H.M.O.P. 1052/2016 seeking divorce from the respondent. She strongly opposed for the divorce by way of filing counter. In the meantime some friends and well wishers of both sides took initiatives to unite us. They expressed certain views as the respondent is willing to live with me but her father and mother are against for our



unification and amplifies the small crack. So I withdrawn my H.M.O.P. 1052/2016 from the Family Court under the impressions that the respondent may come and live with me."

3.It is admitted that the respondent/wife has filed the present petition in H.M.O.P.No.229 of 2017, seeking divorce. When the petitioner himself earlier filed a petition for divorce intending to contract second marriage, the contention that he wants to contest the petition filed by the wife for divorce cannot be believed. The transfer petition is on the grounds that he is employed where as his wife is not employed and that advocates in Thanjavur are only loyal to the respondent/wife. The learned counsel also submitted that the husband was threatened by the respondent whenever he goes to Thanjavur to conduct the present case.

4.The petition filed by the petitioner appears to be one lacking bonafides. The inconsistent stand taken by the petitioner gives an impression that he is not honest and true to himself. Be that as it may, the wife filed the petition, in a place, where she resides. Under Section 19 of Hindu Marriage Act, the residence of the respondent gives jurisdiction to the Court, in which, the petition filed by the wife is pending. There is no strong reason or circumstances to transfer the proceedings from the Additional Sub Court, Thanjavur to Madurai.

5.Convenience of the husband cannot be a reason for seeking transfer. The petitioner has not produced any material to show that the petitioner was threatened by the respondent. It is stated that father of respondent is a retired post man having high influence with net work. It is unbelievable. The contention that the respondent seeks Rs.25 lakhs from petitioner is imaginary when the respondent seeks only divorce.

6.In the above circumstances, this Court find no reason or ground to transfer the proceedings from Thanjavur to Madurai.

7.Accordingly, this transfer Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

The Additional Subordinate Judge,
Thanjavur.

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