

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.194 of 2020
and
C.M.P.NO.6095 of 2020

Sowmiya

..Petitioner/Respondent

Versus

A.E.Sathiyakumar

..Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.358 of 2019 pending on the file of learned Sub-Court, Ponneri, and to transfer the same to the file of learned Family Court, Chennai.

For Petitioner : Mr.R.Gopinath
for Mr.K.Mahendran

For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.358 of 2019 from the file of learned Sub-Court, Ponneri, to the file of learned Family Court, Chennai. The above said HMOP was filed by the respondent/husband seeking for divorce on the ground of cruelty.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 30.08.2018 at Arulmighu Bhavani Amman Koil, Periyapalayam, as per the Hindus Rites and Customs. After the marriage, in view of domestic problem, there was no issue to them. The respondent/husband is having a Studio at Arani and he used to come to home once in three days. When the petitioner/wife questioned the same, the husband stated that due to work pressure, he was unable to come to home. Finally, the relationship between the petitioner and the respondent got

strained and consequently, he filed HMOP.No.358 of 2019 on the file of learned Sub-Court, Ponneri, seeking for divorce. It is further argued that when the petitioner/wife, who is residing at Thiruvallur, attended the hearing on 09.01.2020, group of lawyers threatened her to give consent for divorce and therefore, since there is a life threat at Ponneri, it is not possible for her to attend the hearing at Sub-Court, Ponneri, and on this basis, he has sought for transferring the same to the file of learned Family Court, Chennai.

4. It is at this stage, when this Court posed a question as to why the petitioner/wife did not give any complaint against the respondent/husband for the alleged threat by a group of lawyers, learned counsel for the petitioner/wife stated that had she given complaint, that would have precipitated the issue further, therefore, instead of transferring the matter to the file of learned Family Court, Chennai, the same may be transferred to the file of learned Family Court, Thiruvallur, which is also 25 kms. away from the residence of wife.

5. In view of the above, considering the fact that the wife was threatened by the husband at Ponneri, this Court, accepting the alternative prayer made by the petitioner/wife to transfer the case to Thiruvallur, which is also 25 kms. away from the place of wife, hereby withdraws H.M.O.P.No.358 of 2019 filed by the husband from the file of learned Sub-Court, Ponneri, and transfers the same to the file of learned Family Court, Thiruvallur. On such transfer, learned Family Court, Thiruvallur, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.6095 of 2020 is closed.

Sd/-

Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Ponneri.
2. The Presiding Officer, Family Court, Thiruvallur.

+1cc to M/s.K.Mahendran, Advocate, S.R.No.24859

Tr.C.M.P.No.194 of 2020

VSN II(CO)
KKV/28/07/2020