



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP(MD).No.272 of 2020 and
CMP(MD).No.6146 of 2020

WEB COPY

K. Senthilkumar

.. Petitioner/Respondent

Vs.

S. Kalaiyarasi

... Respondent/Petitioner

Prayer: Transfer CMP filed under Section 24 CPC to withdraw the case in HMOP.No.82 of 2020 from the file of the Sub-Court, Kovilpatti, and transfer the same to the file of Family Court, Sivagangai, for disposal of the same on merits in accordance with law.

For petitioner : Mr.M. Sankar

For respondent : Mrs. Porkodi Kannan
for M/s.Polax Legal Solutions

ORDER

The husband, who is facing proceeding for divorce filed by the wife on the file of Sub Court, Kovilpatti, under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act, seeks transfer of the said proceeding to Family Court, Sivagangai.

2. According to the petitioner / husband, his life is under threat if he goes to Kovilpatti to conduct the case. It is his claim that the relatives of the wife had threatened and attacked him brutally, when he attended the divorce case at Kovilpatti.

3. The counsel for the respondent / wife, while denying the allegations made in the affidavit filed in support of this transfer petition, would contend that the transfer of the case to Family Court, Sivagangai, will cause more hardship to the wife as she would be required to travel more than 130 Kilometers one way for every hearing.

4. I see some force in the contention of the learned counsel regarding the conduct of the case before the Family Court, where the presence of the parties is required for every hearing.

On the other hand, proceeding before the Sub Court does not



require the presence of the parties for every hearing. Considering the claims and counter claims, I am of the opinion that the HMOP could be transferred neutral venue to enable the parties to conduct the proceedings in a conducive atmosphere.

5. In view of the same, HMOP.No. 82 of 2020, pending on the file of the Sub Court, Kovilpatti, is withdrawn and transferred to the file of Sub Court, Virudhunagar, to be heard and disposed of in accordance with law. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

trp

To

1. The Sub Judge, Kovilpatti.

2. The Sub Judge, Virudhunagar.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-1039[F] dated 19/01/2021)

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