



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.454 of 2021
and CMP No.11918 of 2021

S.Maragatham

... Petitioner

Vs

D.Srigandh

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw and transfer Hindu Marriage Original Petition in HMOP.No.533 of 2020 from the Sub Court, Poonamallee to the file of District Family Court at Dharmapuri.

For Petitioner : Mr.S.Ravichandran
For Respondent : Mr.T.M.Pappaiah
for Mr.S.D.S.Phillip

O R D E R

The petitioner wife seeks transfer of HMOP No.533 of 2020 on the file of the Sub Court, Poonamallee to the Family Court, Dharmapuri. The transfer is sought solely on the ground of convenience.

2.The said request of the wife is opposed by the husband contending that if the O.P., which is now pending before the Sub Court, is transferred to the Family Court the husband will be put to great inconvenience as he would be forced to travel to Dharmapuri from Velappanchavadi near Chennai for every hearing.

3.Mr.T.M.Pappaiah, learned counsel appearing for the husband would also submit that the husband has moved the Court at Poonamallee seeking protection on the ground of threat to his life. He would also express apprehension regarding the safety of the husband, if he is to go to Dharmapuri for every hearing. Of course, the convenience of the wife should be considered in deciding the venue of matrimonial proceedings. But the choice of



the venue should be so made so that one of the parties is not prejudiced.

4.Considering the overall circumstances and the apprehensions expressed by Mr.T.M.Pappaiah, I am of the considered opinion that the proceedings could be transferred to a neutral venue where the parties can conduct the proceedings in a more peaceful atmosphere. Apart from the above, if the proceedings are transferred to the Sub Court, then parties need not appear for every hearing and considerable inconvenience to both the parties would be reduced.

5.Considering the above aspects, the HMOP.No.533 of 2020 pending on the file of Sub Court, Poonamallee is withdrawn from the said Court and transferred to Sub Court, Tirupattur (Tirupattur District) to be disposed of in accordance with law.

6.The Transfer Civil Miscellaneous Appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True copy//

Sub Assistant Registrar

vs

To

1.The Sub Court,
Poonamallee.

2.The Sub Court,
Tirupattur, Tirupattur District.

+1 CC to Mr.S.Ravichandran, Advocate sr 4109

+1 CC to M/s. Duraikaan S. Philip, Advocate sr 4100.

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KSM(CO)
SP(11/02/2022)