



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.No.708 of 2021
and C.M.P.No.17453 of 2021

N.Bharathkumar

...Petitioner/Defendant

Vs

Swetha

...Respondent/Respondent

PRAYER Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.158 of 2020, pending on the file of the Subordinate Judge at Poonamalle and transfer the same to any Court which is suitable and having jurisdiction to try the case in outside Chennai jurisdiction.

For Petitioner : Mr.Kumaresh Babu

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by husband seeking a transfer of his petition filed for divorce from the file of Subordinate Judge, Ponnammalle to any other Court having jurisdiction outside the jurisdiction of Chennai.

2. The respondent to whom notice has been taken, has refused to receive the same, despite intimation have been given to her and therefore, there is a deemed service on the respondent. The petitioner would seek to have the HMOP transferred on the sole ground that there is a threat to his life, as the respondent/wife had preferred several complaints against him and that in the month of November 2020, he had been attacked by the henchmen of the respondent. He had given a complaint to the Poonamallee Police Station for which no action has been taken.



3. Except for this, no other reason has been given by the petitioner and even this reason has not been substantiated by proof. Therefore, I do not find any reason for permitting the transfer, since the matter is pending before the learned Subordinate Judge, Poonamallee where the presence of the parties are not required for every hearing and they appear only for adducing evidence. For the above reasons the Transfer Civil Miscellaneous Petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

The Subordinate Judge,
Poonamallee.

TR.CMP.No.708 of 2021

gpl[col]
srg 03/03/2022