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Tr.CMP No.321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.321 of 2024
and C.M.P.No.6581 of 2024

M.Sivachitra

.... Petitioner

-Vs-

M.Muthulingam

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.2966 of 2023 from the file of III Additional Family Court at Chennai to Sub Court, Valliyoor.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.V.M.Venkatramana

ORDER

The petitioner is the wife. She married the respondent husband on 06.02.2022 at Uvari in Tirunelveli District. Alleging that the husband is demanding dowry, she separated from him. The husband has initiated HMOP No.2966 of 2023 on the file of the III Additional Family Court, Chennai seeking for divorce. He would state that the petitioner wife regularly attempts to commit suicide, though fortunately she has not been successful so far.

2. Summons were served in the proceedings on 13.10.2023 on the wife. She would plead that the distance from her house at Kuttam, Tirunelveli District to Chennai and back is about 1340 Kms. Hence, she has filed this transfer petition.



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3. A reading of the affidavit shows that the wife is residing at Kuttam, Tirunelveli District and to travel to Chennai will certainly take overnight travel. She pleads that it is not possible for her brother and father to accompany her for every hearing and that she is financially deprived of funds to undertake this travel.

4. Notice was ordered in the Transfer Application on 22.03.2024. Mr.V.M.Venkatramana has entered appearance for the respondent husband.

5. Heard Mr.P.Rajendran for the petitioner and Mr.Venkatramana for the respondent.

6. I would have to transfer the case for the sheer distance between Tirunelveli and Chennai. Further more, the wife is aged about 31 years and I cannot expect her to travel all alone in order to come over to Chennai and contest the proceedings. It would certainly cause her inconvenience as, even if she travels by train, she would still require facilities to get ready and appear before the Court.

7. Mr.Venkatramana would submit that the respondent husband fears his father-in-law and brother-in-law as they are capable of inflicting injury on him. He would plead that already on one occasion when the parties were in Chennai, attempts were made to assault him and only with the assistance of Mr.Venkatramana and other advocates he was able to escape from the petitioner's father and his henchmen.



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8. I have considered the pleas of both sides. The very distance between Chennai and Tirunelveli being enormous, I do not think it will be appropriate to ask a young lady to travel such distance. The fear of Mr.Venkatramana that the petitioner's family are capable of inflicting injury on the respondent is unfounded as, in case any such attempts are made, he can always approach the Court for appropriate protection when he enters the premises.

9. Accordingly, HMOP No.2966 of 2023 is withdrawn from the file of III Additional Family Court at Chennai and transferred to the file of the Subordinate Court at Nanguneri. The Subordinate Judge, Nanguneri shall not insist on the appearance of the respondent husband for every hearing. He shall be present for all essential hearings and for all other procedural hearings, he shall be represented by his counsel. The Transfer CMP is allowed. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2024

Index : Yes/No
Neutral Citation : Yes/No
KST

To

1. The III Additional Family Court, Chennai.
- 2.The Subordinate Court, Nanguneri, Tirunelveli District.



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V. LAKSHMINARAYANAN, J.

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