



Tr.CMP.No.636 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.636 of 2023

and

C.M.P.No.15859 of 2023

Sumathi

.. Petitioner

Vs.

Ravi Kumar

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.88 of 2021 from the file of the Sub Court at Thiruchengode and transfer the same to the file of the Sub Court at Kallakurichi.

For Petitioner : Mr.R.Bharath Kumar

For Respondent : Mr.P.Mani

ORDER

The petitioner/wife is a resident of Vadasemapalayam in Kallakurichi district. The husband is a resident of Vaiyappamalai in Namakkal district.

2. The petitioner and the respondent got married on 20.02.2013 at



Tr.CMP.No.636 of 2023

Kallakurichi district. From the wedlock, a male child was born on 05.12.2013.

3. The allegation is that the husband/respondent is addicted to alcohol and therefore, the marriage has hit the rocks. The husband fired the first salvo by initiating H.M.O.P.No.88 of 2021 on the file of the Sub Court at Thiruchengode.

4. The petitioner/wife pleads that she is unable to travel 250 Kms from Kallakurichi to Thiruchengode, and therefore, seeks transfer of proceedings to the file of the Sub Court at Kallakurichi district.

5. Mr.P.Mani, representing the husband, would plead that his client faces a threat to his life if he goes to the village of the petitioner. Kallakurichi is a District Headquarter and is not known for lumpen elements to brutally attack any person. Apart from that, the Court is not situated near to the village of the petitioner, but is situated only at quite a distance.

6. Furthermore, the proceedings are not before the Family Court for the respondent to fear for his life since he has to appear for every hearing before the Family Court. The proceedings are only to be transferred to the



Tr.CMP.No.636 of 2023

file of the Sub Court at Kallakurichi.

WEB COPY

7. Considering the overall circumstances, the proceeding in H.M.O.P.No.88 of 2021 on the file of the Sub Court at Thiruchengode is withdrawn and it shall stand transferred to the file of the Sub Court at Kallakurichi.

8. With the above directions, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

23.04.2024

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

V. LAKSHMINARAYANAN, J.

mkn2



Tr.CMP.No.636 of 2023

WEB COPY To

- 1.The Sub Court,
Thiruchengode
- 2.The Sub Court,
Kallakurichi

Tr.CMP.No.636 of 2023
and
C.M.P.No.15859 of 2023

23.04.2024