



WEB COPY



Tr.CMP.No.143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.143 of 2024

and

C.M.P.No.2898 of 2024

Priyadharsini

.. Petitioner

Vs.

Monish

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the petition in F.C.H.M.O.P.No.165 of 2023 pending on the file of the Family Court at Dharmapuri to the file of the Family Court at Chengalpattu.

For Petitioner : Mr.J.Vahini

For Respondent : Mr.Arun Anbumani

ORDER

The petitioner before me is the wife. The husband has initiated divorce proceedings in F.C.H.M.O.P.No.165 of 2023 on the file of the Family Court at Dharmapuri.

2. The pleadings have been completed. At this stage, the wife,



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pleading inability to travel from Chengalpattu to Dharmapuri, has moved this transfer petition.

3. On being served with the summons, Mr.Arun Anbumani, appears on behalf of the respondent.

4. Mr.Arun Anbumani vehemently pleaded that his client fears a threat to his life. He states that the petitioner's family is a highly influential family in Chengalpattu and there is a possibility that they might do away with his client.

5. It is concurred by both sides that the D.V.C. proceedings have been initiated before the Judicial Magistrate Court at Thirukkalukkundram. The husband, anyway, has to appear before the D.V.C. Court for the purpose of attending those proceedings.

6. The alternate plea that Mr.Arun Anbumani would state is that the proceeding should be transferred to Vellore. The respondent, though he is working in Thanjavur, had filed the case in Dharmapuri. Therefore, today it



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is not lying on his mouth that it should be transferred to Vellore. As held by the Supreme Court, it is the convenience of the wife which the Court has to take into consideration while dealing with matters of transfer in matrimonial cases.

7. In the light of the above discussion, the proceeding in F.C.H.M.O.P.No.165 of 2023 pending on the file of the Family Court at Dharmapuri is withdrawn and it shall stand transferred to the file of the Family Court at Chengalpattu.

8. The learned Family Judge at Chengalpattu is requested to post the F.C.H.M.O.P. on the same day as the D.V.C. proceedings are posted before the Judicial Magistrate Court at Thirukkalukkundram, so that the petitioner, being a service man in Indian Air Force, need not travel twice to attend the Court hearings. Apart from that, if he makes a plea regarding threat to his life, the Family Court may pass appropriate orders, in case, such a petition comes to be filed.



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9. It is made clear that the husband need not appear for every hearing.

But, he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.

10. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

30.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Family Court,
Dharmapuri

2.The Family Court,
Chengalpattu



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