



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2016

CORAM:

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

WEB COPY

Tr.C.M.P (MD) Nos.103 and 80 of 2016
and C.M.P. (MD) Nos.1386 and 1803 of 2016

Tr.C.M.P. (MD) No.103 of 2016:

Malathi

... Petitioner

Vs.

K.Sivagurunathan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer H.M.O.P.No.405 of 2014 on the file of the Family Court, Madurai to any District Court in Madurai District Court Complex, Madurai.

For Petitioner : Mr.G.Anbu Saravanan

For Respondent : Mr.K.Gugan

Tr.C.M.P. (MD) No.80 of 2016:

Malathi

... Petitioner

Vs.

K.Sivagurunathan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to transfer H.M.O.P.No.260 of 2014 on the file of the Family Court, Madurai to the any District Court in Madurai District Court Complex, Madurai.

For Petitioner : Mr.G.Anbu Saravanan

For Respondent : Mr.K.Gugan

COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed to withdraw the case in H.M.O.P.Nos.405 and 260 of 2014 on the file of the Family Court, Madurai to the any District Court in Madurai District Court Complex, Maudrai.

2.The petitioner herein in both the petitions is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 25.04.2012. As the respondent / husband demanded more dowry and harassed the petitioner, the petitioner left the matrimonial home. Whiles, the respondent filed a petition in H.M.O.P.No.423 of 2013 before the Family Court, Tambaram, which was later transferred to the file of Family Court, Madurai and renumbered as H.M.O.P.No.260 of 2014. The petitioner filed a petition in H.M.O.P.No.405 of 2014



before the Family Court, Madurai for restitution of conjugal rights.

3.It is the case of the petitioner that the Presiding Officer of the Family Court, Madurai is pressurizing her to withdraw the case and file a mutual petition. Hence, this Court by order dated 24.02.2016 in Tr.C.M.P.(MD)No.103 of 2016 directed the learned Judge, Family Court, Madurai to file a report. Accordingly, the Presiding Officer filed her report denying the allegations levelled against her by the petitioner. She further stated that in order to escape from the trial proceedings, the petitioner, who is an advocate, levelled allegations against the Presiding Officer.

4.From the records it is seen that earlier the petitioner filed Tr.C.M.P.No.380 of 2013 before this Court for transferring H.M.O.P.No.423 of 2013 from the Sub Court, Tambaram to Family Court, Madurai. This Court by order dated 03.03.2014 transferred H.M.O.P.No.423 of 2013 from the file of Sub Court, Tambaram to Family Court, Madurai, which was renumbered as H.M.O.P.No.260 of 2014.

5.Considering the facts and circumstances of the cases and also considering the report given by the Presiding Officer, the grounds raised by the petitioner are not bona fide one and making allegations against the Presiding Officer is not a valid ground to transfer. Hence, the Transfer Civil Miscellaneous Petitions are misconceived. Accordingly, the Transfer Civil Miscellaneous petitions are dismissed. The learned Judge, Family Court, Madurai is hereby directed to dispose of the cases in H.M.O.P.Nos.260 and 405 of 2014 as expeditiously as possible preferably on or before 31.08.2016 and the parties are directed to cooperate for disposal of the cases on merits. No costs. Consequently, connected C.M.Ps. are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1.The Judge, Family Court, Madurai.

2.The Subordinate Judge, Tambaram.

+2 cc to Mr.K.Gugan, Advocate, Sr Nos.12348 & 12350

+2 cc to Mr.G.Anbu Saravanan, Advocate Sr Nos.12327 & 12328

RG.AN-MP/AR-I 21.03.2016 2P/7C

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