



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

TR.C.M.P. (MD) .No.373 of 2016
and
C.M.P. (MD) No.7261 of 2016

Priya ... Petitioner/Respondent/wife

Vs.

Krish ... Respondent/Petitioner/Husband

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of Civil Procedure Code praying this Court to withdraw the case in H.M.O.P.No.6 of 2015, on the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transfer the same to the file of the learned Principal Subordinate Judge, Kumbakonam.

For Petitioner : Mr.S.Rajaprabu
For Respondent : Mr.G.Gomathi Shankar

O R D E R

This Transfer Civil Miscellaneous Petition is filed praying this Court to withdraw the case in H.M.O.P.No.6 of 2015, on the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transfer the same to the file of the learned Principal Subordinate Judge, Kumbakonam.

2.The respondent herein/husband has filed H.M.O.P.No.6 of 2015 before the Sub-Court, Palani Camp at Kodaikanal. The marriage between the Petitioner and respondent was solemnized on 24.6.2005 at Oddanchatram according to Hindu rites and customs. Due to difference of opinion, the Petitioner is now residing with her parents at Thiruvidadaimaruthur, Thanjavur District. The allegation of the Petitioner is that she is facing severe threat on the part of her husband and her life is in danger, if she entered into Kodaikanal for attending the court hearings. There is no safety for her life and further she also stated that it is difficult for her to travel a long distance of 350 Kms between Kodaikanal and Kumbakonam.

3.Per contra, the learned counsel for the respondent strongly objected for transfer from Kodaikanal to Kumbakonam as prayed for



in the present transfer application. The respondent is also a sick person and could not travel for the long distance of 350 Kms. Therefore in the interest of justice, this Court decided to transfer the matter before the appropriate Court.

4. Considering the facts and circumstances of the case and taking into consideration of the Petitioner's allegation found in the affidavit filed in support of the Petition, it would be appropriate to transfer the H.M.O.P.No.6 of 2015 to the file of Family Court, Trichy and accordingly, the Transfer Civil Miscellaneous Petition is allowed and passed the following Order:

i) The petition in H.M.O.P.No.6 of 2015 is ordered to be withdrawn from the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transferred to the file of the Family Court, Trichy, for disposal on merits and in accordance with law.

ii) The learned Subordinate Judge, Palani Camp at Kodaikanal is directed to transmit the entire records to the file of the Family Court, Trichy, for further action..

iii) The Registry is also directed to send back the papers that are pending before the Registry.

iv) As and when the records received, the Family Court, Trichy is directed to re-number the H.M.O.P No.6 of 2015 and dispose of the same, as expeditiously as possible.

(v) No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court,
Trichy.
2. The Subordinate Judge,
Palani Camp at Kodaikanal.

Copy To:-

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

- + 1 CC TO Mr.G.GOMATHI SANKAR, ADVOCATE IN SR No. 57689
- + 1 CC TO Mr.S.RAJAPRABU, ADVOCATE IN SR No. 57641

VSN

SH/EM-MPA : 19/10/2016 : 2P/6C