



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.55 of 2016

and

C.M.P(MD)No.1144 of 2016

WEB COPY

Rajasekar

.. Petitioner/Respondent

Vs.

Suganya Devi

.. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw G.W.O.P.No.11 of 2015 from the file of Principal District Judge, Pudukottai and to transfer the same either to the file of Principal District Judge, Srivilliputtur, Virudhunagar District or Principal District Judge, Madurai.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.T.Veera Kumar

ORDER

The present petition is filed by the husband seeking transfer of G.W.O.P.No.11 of 2015 from the file of Principal District Judge, Pudukottai to the file of Principal District Judge, Srivilliputtur, Virudhunagar District.

2. The learned counsel for the respondent brought to the knowledge of this Court that earlier, the very same parties had filed Tr.C.M.P(MD)Nos.316 of 2011, 225 of 2010 and 10 of 2012 and in which, this Court passed a final order on 14.02.2012. Relevant portion of the said order is extracted hereunder:

"8.The respondent/husband vehemently objected to transfer the H.M.O.P.No.140 of 2010 and G.W.O.P.No.42 of 2011 pending on the file of the Principal District and Sessions Court, Pudukkottai stating that the petitioner's family members are influential persons and he apprehends that there is a real danger to his life at Pudukkottai and on 07.01.2012, when he visited Pudukkottai, he was followed by some persons who owed allegiance to his wife and at the New Bus Stand, they intercepted and asked him to sign the divorce deed. Further, he stated that he was threatened with dire consequences and thereafter, on the basis of advice given by his advocate, he has lodged a complaint to the police. Further, the learned counsel for the respondent has also relied upon a judgment reported in (2006) 9 SCC 197 in support of his objections that since the



petitioner is a woman, it cannot be a sole criteria to transfer the cases pending in one court to another court. Thus he prays for transferring the petition in H.M.OP.No.73 of 2010 filed by the petitioner on the file of the Sub Court, Pudukottai to the Sub Court, Srivilliputhur.

9.It is the reply of the learned counsel for the petitioner that though in the affidavit filed in support of the petitions, it has been stated that on 07.01.2012, the respondent/husband was threatened by the relatives of the petitioner, at Pudukottai on that date, actually, there was no hearing in the case at Pudukottai. Therefore, there is no need for the respondent to come over to Pudukottai on that date. Thus, the learned counsel for the petitioner submitted that the reason assigned by the respondent is not a genuine reason.

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12.In the result, Tr.C.M.P. (MD) Nos.316 of 2011 and 225 of 2010 are allowed and Tr.C.M.P. (MD) No.10 of 2012 is dismissed. The H.M.O.P.No.140 of 2010 pending on the file of the Sub Court, Srivilliputhur is transferred to Sub Court, Pudukkottai and G.W.O.P.No.42 of 2011 pending on the file of the Principal District and Sessions Court, Srivilliputhur is withdrawn and the same is transferred to the Principal District and Sessions Court, Pudukkottai to be tried along with H.M.O.P.No.73 of 2010. No costs. Consequently, connected miscellaneous petition is closed."

3. In view of the earlier order of this Court, the present petition is unnecessary and devoid of merits and hence, the same is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(A.E.,)

/TRUE COPY/

Sub Assistant Registrar

To
The Principal District Judge, Pudukottai.
+1cc to M/S.D.Rameshkumar, Advocate in SR.No.60944.

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and CMP (MD) No.1144 of 2016
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