

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 10.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)Nos.79 of 2016 and 432 of 2015
and
M.P(MD)No.1 of 2015

Tr.C.M.P(MD)No.79 of 2016:

K.Rajkumar ... Petitioner/Respondent
.Vs.

Rajeshwari ... Respondent/Petitioner

Tr.C.M.P(MD)No.432 of 2015:

Rajeshwari ...Petitioner/Respondent
.vs.

K.Rajkumar ...Respondent/petitioner

PRAYER IN Tr.C.M.P(MD)No.79 of 2016: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.137 of 2015, on the file of the Subordinate Judge, Virudhunagar and transfer the same to the file of any other court.

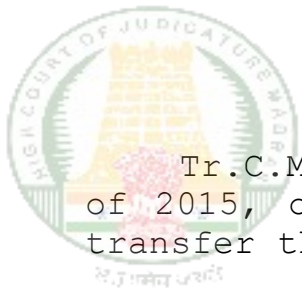
PRAYER IN Tr.C.M.P(MD)No.432 of 2015: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.381 of 2015, on the file of the Family Court, Tiruchirappalli and transfer the same to the Sub-Court, Virudhunagar.

Tr.C.M.P(MD)No.79 of 2016:

For Petitioner : M/s.Chinnaian
For Respondent : M/s.S.Ramasamy

Tr.C.M.P(MD)No.432 of 2015:

For Petitioner : M/s.S.Ramasamy
For Respondent : M/s.S.Chinnian

**COMMON ORDER**

Tr.C.M.P(MD)No.79 of 2016 is filed to withdraw H.M.O.P.No.137 of 2015, on the file of the Sub-ordinate Judge, Virudhunagar and transfer the same to the file of any other court.

2.Tr.C.M.P(MD)No.432 of 2015 is filed to withdraw H.M.O.P.No.381 of 2015, on the file of the Family Court, Tiruchirappalli and transfer the same to the Sub-Court, Virudhunagar.

Tr.C.M.P(MD)No.432 of 2015:

3.The Petitioner is the wife and the respondent is the husband. The marriage between the Petitioner and respondent was solemnised on 03.03.2014 at Lord Subramaniaswamy Temple, Thiruparankundram as per Hindu rites and customs. After marriage, both were living together as husband and wife at their matrimonial home in Trichy. Due to some misunderstanding between them and the harassment made by the respondent/husband, the Petitioner left the matrimonial home and lived with her parents at Virudhunagar. Thereafter, she gave a complaint to the Inspector of Police, All Women Police Station, Virudhunagar. The respondent appeared before the Police Station and informed that he will take back the Petitioner to the matrimonial home within ten days. Subsequently, he failed to take the Petitioner to the matrimonial home and filed H.M.O.P.No.381 of 2015, on the file of Family Court, Tiruchirappalli for divorce.

4.The learned counsel for the Petitioner submitted that the Petitioner is depending on her parents for her day-to-day expenses and it is very difficult for her to travel from Virudhunagar to Trichy for each and every hearing and she has to travel more than 200 Kms every hearing. She has no one to accompany with her during travel and hence she has filed the above transfer Petition for the relief stated supra.

Tr.C.M.P(MD)No.79 of 2016:

5.The Petitioner is the husband and the respondent is the wife. The marriage between them was admitted. After marriage, due to misunderstanding, the respondent left the matrimonial home along with articles on her own and has given a complaint against the Petitioner/husband and hence the Petitioner has filed H.M.O.P. No.381 of 2015 for divorce. While so, the respondent/wife has filed H.M.O.P.No.137 of 2015, for restitution of conjugal rights before the Sub-ordinate Court, Virudhunagar and the same is pending.

6.The learned counsel for the Petitioner submitted that the Petitioner is residing with his aged parents and his father is a ~~severe~~ patient and hence he is not in a position to travel a distance of 200 Kms from Trichy to Virudhunagar for each and every



hearing to attend the hearing in H.M.O.P.No.137 of 2015 filed by his wife. He would further submit that the Petitioner had life threat from the respondent and her family members. Hence the Petitioner has come forward with this Petition for the relief stated supra.

7.Considering the facts and circumstances and the contention of the learned counsel for the Petitioner/husband that he had life threat from the respondent/wife and her family members, both Transfer Civil Miscellaneous Petitions are disposed of with a direction to transfer H.M.O.P.No.137 of 2015 and H.M.O.P.No.381 of 2015, from the file of their respective Courts and transmit the same to the file of Sub-Court, Srivilliputhur, for disposal, on merits and in accordance with law. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Judge, Family Court, Tiruchirappalli.

2.The Subordinate Judge, Virudhunagar.

3.The Subordinate Judge, Srivilliputhur.

+one cc to M/s.S.Chinnaian, Advocate in SR.No.7958

+one cc to M/s.S.Ramasamy, Advocate in SR.No.7997

vsn

CSL/GSV-AN/26.02.2016/2p/6c

**Tr.C.M.P(MD) Nos.79 of 2016
and 432 of 2015**

**and
M.P(MD)No.1 of 2015
10.02.2015**