



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.107 of 2017
and
C.M.P.(MD).No.2519 of 2017

Anitha

... Petitioner/Respondent

Vs.

M.Veera Gowthaman

... Respondent/Petitioner

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case bearing H.M.O.P.No.933 of 2016 on the file of the learned Family Court Judge, Madurai, Madurai District and subsequently transfer the same to any other Courts within the District of Dindigul more particularly to the Subordinate Judge, Palani, Dindigul District, forthwith.

For Petitioner : Mr.T.Poovanalingam
For Respondent : Mr.K.M.Priscilla Jancy

ORDER

The wife, who is the respondent in H.M.O.P.No.933 of 2016 on the file of the Family Court, Madurai filed by the husband seeking divorce on the ground of cruelty, seeks transfer of the proceedings to the file of the Sub-Court, Palani, since she is residing at Ottanchathiram.

2.The husband has filed a counter, wherein he has narrated the facts. A criminal case has been registered against his wife and three others in Crime No.776 of 2016 before the S.S.Colony Police Station under Sections 147, 148, 294(b), 325 and 506(ii) of I.P.C., and Section 4 of TNPHW Act. He has further stated that the learned counsel, who had appeared for the husband, was also threatened, which resulted in him filing a complaint before S.S.Colony Police Station and CSR was also issued in C.S.R.No.999 of 2016 dated 18.11.2016. The husband claims that he faces threat to his life, if he has to go to Palani to conduct the case.

3.The documents produced in the typed set of papers would show that all is not well with the wife and she has lodged criminal proceedings as well as the civil proceedings against the husband and FIR has also been registered against the wife and others for a



physical attack on the husband at his residence at S.S.Colony, Madurai.

4.In such circumstances, I find justification in the reservation expressed by the husband regarding his safety, if he goes to Oddanchathiram for conducting the case. No doubt true, it is the convenience of the wife, which should be taken into account by the Court. However, the circumstances and the documents produced compel me to reject the claim of the wife for transferring H.M.O.P. Hence, this petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

Judge,
Family Court,
Madurai, Madurai District.

+1cc to Mr.K.M.Priscilla Jancy Advocate in SR. No.59049

+1cc to Mr.T.Poovanalingam Advocate in SR. NO.59272

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JS/JC/SAR.4/27.06.2017/2P-4C

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