



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD) No.114 of 2017

and

C.M.P (MD) No.2613 of 2017

Buvaneswari

... Petitioner/Respondent
Vs.

M.Suresh

... Respondent/Petitioner

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.103 of 2016 on the file of Principal Subordinate Court, Kumbakonam to the file of Family Court, Madurai and to try along with the H.M.O.P.No.114 of 2017, on the file of the Family Court, Madurai.

For Petitioner : Mr.D.Srinivasaragavan
For Respondent : Mr.T.R.Subramanian

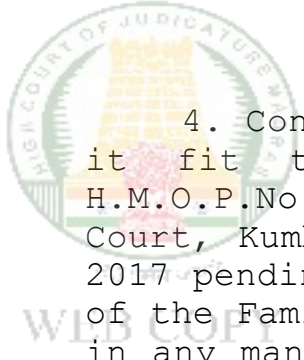
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O R D E R

The wife is the petitioner. She seeks transfer of H.M.O.P.No.103 of 2016 filed by the respondent/husband before the Principal Sub Court, Kumbakonam, to the file of the Family Court, Madurai, to be tried along with H.M.O.P.No.114 of 2017 filed by her for restitution of conjugal rights. In H.M.O.P.No.103 of 2016, the respondent/husband seeks divorce on the ground of cruelty.

2. The learned Counsel for the respondent/husband would submit that when he came to the Family Court, Madurai, on 27.03.2017 to attend the hearing of H.M.O.P.No.114 of 2017, he was threatened by the wife's family members inside the Court Complex itself and he was forced to seek protection from the Conciliator. He has also addressed a complaint about the said incident to the Family Judge, Madurai; the Principal District Judge, Madurai as well as the Registrar (Administration) of this Court.

3. Hence, the learned Counsel for the respondent/husband would submit that his life is in danger, if he attends the Court at Madurai and therefore, he seeks transfer to any other Court other



4. Considering the allegations and counter allegations, I deem it fit to withdraw and transfer both the proceedings in H.M.O.P.No.103 of 2016 pending on the file of the Principal Sub Court, Kumbakonam as well as the proceedings in H.M.O.P.No.114 of 2017 pending on the file of the Family Court, Madurai, to the file of the Family Court, Trichy. The convenience of the wife would not in any manner be affected as Trichy is nearby Madurai, connected by National Highways and travelling time is less than two hours.

5. Accordingly, H.M.O.P.No.103 of 2016 pending on the file of the Principal Sub Court, Kumbakonam, is withdrawn and transferred to the file of the Family Court, Trichy. The Principal Sub Court, Kumbakonam, is directed to despatch the records in H.M.O.P.No.103 of 2016 to the Family Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order. H.M.O.P.No.114 of 2017 pending on the file of the Family Court, Madurai, is also withdrawn and transferred to the file of the Family Court, Trichy. The Family Court, Madurai, is directed to despatch the records in H.M.O.P.No.114 of 2017 to the Family Court, Trichy, within a period of two weeks from the date of receipt of a copy of this order. The Family Court, Trichy, on receipt of papers from both the transferor Courts, namely, Principal Sub Court, Kumbakonam and Family Court, Madurai, shall endeavour to dispose of both the petitions at the earliest.

6. In the result, this Transfer Civil Miscellaneous Petition is ordered as above. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

ASSISTANT REGISTRAR (WRITS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The Principal Subordinate Court, Kumbakonam.
- 2.The Family Court, Madurai.
- 3.The Family Court, Trichy.
- +1 CC TO MR.T.R.SUBRAMANIAN,ADVOCATE,SR NO.52696
- +1 CC TO MR.D.SRINIVASA RAGAVAN,ADVOCATE,SR NO.53063

rsb

MAS/RR/SAR3:02.05.2017:2P-6C

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and
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