



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.06.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

Tr.C.M.P(MD)Nos.199 & 200 of 2017  
and  
C.M.P(MD)Nos.4388 & 4389 of 2017

S.M.Shoba ... Petitioner in both cases

**Vs.**

S.J.Saravana Babu ... Respondent in both cases

**Common Prayer:** Petition filed under Section 24 of the Code of Civil Procedure code 1908, to withdraw and transfer the H.M.O.P.Nos.657 of 2014 and 248 of 2016 on the file of Hon'ble Family Court, Madurai to transfer the same to the Family Court, Chennai.

For Petitioner  
in both cases : Mr.K.R.Laxman

For Respondent  
in both cases : Mr.R.Ramachandran

**COMMON ORDER**

The petitioner, who is the wife seeks transfer of H.M.O.P.No.657 of 2014, filed by the husband for restitution of conjugal rights and H.M.O.P.No.248 of 2016 filed by her for divorce on the ground of cruelty from the file of the Family Court, Madurai to the file of the Family Court, Chennai.

2.In the original petition filed by the wife in H.M.O.P.No.248 of 2016, she has given her address as No.12/B, Thennolaikara First Lane, South Masi Street, Madurai-625 001. This petition has been filed before the Family Court, Madurai, on 28.03.2016. The transfer is sought for on the ground that she is residing at Chennai and she has also produced the copy of the house rent agreement deed dated 22.04.2017 would show that she is residing at Chennai and the transfer application has been filed on 26.04.2017.

3.The respondent Husband has filed a counter. It is stated that the respondent husband's life is under threat at the hands of the petitioner's family. In fact, a case has been registered against the



petitioner's family in Crime No.365 of 2017 under Section 307 IPC, in Thallakulam Police Station and the same is pending enquiry till today. The respondent husband has totally denied the fact that the wife is residing at Chennai. According to him, the alleged house rent agreement deed is created only for the purpose of getting the proceedings transferred to Chennai.

4.Of course, this court has to take in to account the convenience of the wife, but, this particular case, I find that the claim of the wife is that she is residing at Chennai is not true. Infact, the wife has chosen to file C.C.No.631 of 2013 under the Prevention of Domestic Violence Act before the Mahila Court, Madurai seeking compensation of Rs.50 lakhs and the said proceedings is also pending before the said Court. On the complaint given by the wife, a case has been registered against the respondent in Crime No.18 of 2014, under Section 498(A) of I.P.C., and Section 4 of Dowry Prohibition Act.

5.Several proceedings have been initiated by the parties. This shows that all is not well with the spouses. I find that this attempt of the wife is nothing but to harass the husband by getting the proceedings transferred to Chennai.

6.In view of the above, I do not find any reasons to transfer the proceedings from the file of the Family Court, Madurai to the file of the Family Court, Chennai. Hence, both Tr.C.M.Ps are dismissed. No Costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

**To**

1. The Judge, Family Court,  
Chennai.
2. The Judge, Family Court,  
Madurai.

+ 2 CC TO Mr.R.RAMACHANDRAN, ADVOCATE IN SR No. 58938, 58939

DAS/NS  
TE/RSK/SAR-III : 22/06/2017 : 2P/5C

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