



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.08.2017

CORAM

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THE HONOURABLE MRS.JUSTICE J. NISHA BANU

TR.C.M.P (MD) No.361 of 2017
and
C.M.P (MD) No.7408 of 2017

Nagalakshmi ... Petitioner/Respondent

Vs.

R.Paulpandi ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP.No.528 of 2017 (old No.526 of 2013) pending on the file of Subordinate Judge, Thirumangalam and transfer the same to any other competent Subordinate Court at Theni District.

For Petitioner : Mr.S.Muthalraj
For Respondent : Mr.T.Vadivelan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.528 of 2017 (old No.526 of 2013) pending on the file of the Subordinate Judge, Thirumangalam and transfer the same to any other competent Subordinate Court at Theni District.

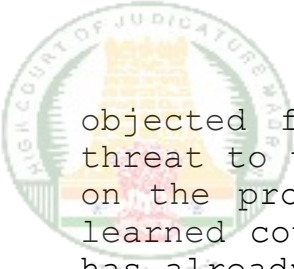
2. The brief facts of the case are as follows:

The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 19.01.2007. Out of wedlock, a female child was born in the year 2008. Thereafter, misunderstanding arose between the parties. Therefore, the respondent filed H.M.O.P.No.528 of 2017 on the file of the Sub-Court, Thirumangalam, seeking divorce and the same is pending.

3.The learned counsel appearing for the petitioner submitted that the husband of the petitioner as well his lawyer are threatening the petitioner, whenever she goes to the Court at Thirumangalam and therefore, the H.M.O.P may be transferred to any other competent Subordinate Court at Theni District.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel appearing for the respondent strongly



objected for the transfer of the case stating that there is no threat to the petitioner from the respondent's side and only to drag on the proceedings, the petitioner has filed this petition. The learned counsel for the respondent further submitted that the trial has already been commenced and the case is posted for examination of witnesses.

5. Heard the submissions made on either side and perused the materials available on record.

6. Perusal of the records shows that the respondent filed a petition for divorce and the petitioner has also made a counter claim for restitution of conjugal rights. It is seen that the child is residing with the respondent only. The petitioner filed this petition seeking transfer of the above H.M.O.P on the ground of alleged threat from the side of the respondent. The case is now pending before the learned Subordinate Judge, Thirumangalam and therefore, the presence of the petitioner is not necessary for each and every hearing and therefore, the apprehension expressed by the petitioner, cannot be sustained. It is also brought to the knowledge of this Court that the trial has been commenced and therefore, at this stage, the prayer sought for in this petition cannot be granted.

7. In the result, this Transfer Civil Miscellaneous Petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Subordinate Judge,
Thirumangalam.

+ 1 CC TO Mr.S.MUTHALRAJ, ADVOCATE IN SR No. 75181
+ 1 CC TO Mr.T.VADIVELAN, ADVOCATE IN SR No. 74858

PM
TE/SV-MMS/SAR-III : 05/09/2017 : 2P/4C

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