



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P (MD) .No.402 of 2017

and

C.M.P. (MD) .No.8150 of 2017

G.Saranya

... Petitioner

vs.

Muthukrishnan

... Respondent

Prayer: This Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.498 of 2017 from the file of the Camp Sub Court, Thirumangalam and transfer the same to the file of Family Court, Coimbatore.

For Petitioner : Mr.B.Vijay Karthikeyan

For Respondent : Mr.M.Gnanagurunathan

ORDER

The petitioner has come forward with this petition to transfer H.M.O.P.No.498 of 2017 from the file of the Sub Court, Thirumangalam to the Family Court, Coimbatore.

2.The petitioner states that she married the respondent on 13.06.2008 and it was a love marriage against the wish of the parents of both. The petitioner further states that after their marriage the respondent was carrying on business and the same was running well. Subsequently, due to the monetary loss, the respondent became a heavy borrower and used to take money for repaying their loses. In such circumstances, the respondent asked the petitioner to ask the monetary help from her parents, but she refused to do so. The respondent took the petitioner to his parents' home and went from Trichy, leaving behind the petitioner. She was taken by her in-laws to a function in a nearby village, where she was harrassed by the relatives of the respondent. Due to the same, she stayed with her friends at Vangal Village and the respondent lodged a false complaint in Peraiyur Police Station, in Crime No.143 of 2016 as if the petitioner was missing. Subsequently, he also issued a legal notice on 22.07.2016 making false allegations and filed H.M.O.P.No.498 of 2017 seeking divorce. The petitioner states that she is not having any source



of her own and she is sustained by her cousin sister only. The petitioner states that she is residing in a hostel at Coimbatore and eking a livelihood by working as a helper in a Private Clinic. It is very difficult for her to travel to the Sub Court, Thirumangalam as it is far away from her residence. Hence, she seeks transfer of the case to the Family Court, Coimbatore.

3.The learned counsel for the respondent contends that the averments in the petition are not true and the respondent also suffered financially in his business and at present he is only employed as a worker in a Private Book Shop at Trichy. However, the learned counsel for the respondent conceded to have the matter transferred to any other place nearer to Coimbatore.

4.Considering the reasons stated by the petitioner and the fact that the petitioner is living alone, as her parents also refused to take care of her and she is only employed as a helper in a Private Hospital, this Court is inclined to entertain this petition. The point is answered accordingly.

5.In the result, this Petition is allowed and H.M.O.P.No.498 of 2017 is transferred from the file of the Sub Court, (Camp Court) Thirumangalam, to the file of the Family Court, Coimbatore, for disposal. The connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Camp Sub Court, Thirumangalam.

2.The Judge, Family Court, Coimbatore.

+ 1 cc TO Mr.M.gnanagurunathan , Advocate in SR No. 85459

+ 1 cc TO Mr.B.Vijay Karthikeyan , Advocate in SR No. 85448

TM/PSD

AE/KP/SAR2/20.11.2017/2P/5C

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