



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.CMP. (MD) .No.427 of 2017
and
C.M.P. (MD) .No.8654 of 2017

J.Nagarathinam ... Petitioner/Respondent

vs.

P.Karuppasamy ... Respondent/ Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw and transfer the H.M.O.P.No.44 of 2016 on the file of the Sub-Court, Periyakulam to any other nearby District.

For Petitioner : Mr.K.Mahendran
For Respondent : No appearance

ORDER

The petitioner/wife has come forward with this petition seeking to withdraw and transfer H.M.O.P.No.44 of 2016 from the file of the Sub-Court, Periyakulam to any other competent Court in nearby District.

2.The petitioner states that she got married with the respondent on 03.06.2016 and the marriage was registered and according to her, she was forcibly taken by the respondent and his friends, by giving soft drinks and after she recovered, she questioned the act of the respondent and his friends. Immediately, she went to her native village and lodged a complaint on 09.05.2016 to the Inspector of Police, Devathanapatti Police Station, Devathanapatti, Theni District and on enquiry, the police informed the petitioner, to get remedy from Court. Accordingly, the complaint was closed. Thereafter, the petitioner gave a representation on 11.05.2016 to the Registrar of Marriage, Sub-Registrar Office, Chockkikulam, Madurai to cancel the marriage certificate. She also lodged a complaint before the Superintendent of Police, Theni District on 03.06.2016 against the respondent and his friends. Thereafter, the respondent came to the petitioner's house and assaulted the family members of the petitioner and in



this regard, a case in Crime No.308 of 2016 was registered against the respondent by the Devathanapatti Police Station.

3. The petitioner also filed W.P.(MD)No.17741 of 2016, challenging the certificate of marriage issued by the Registrar of Marriage, Chockkikulam, Madurai and the same was pending. While so, the respondent herein filed H.M.O.P.No.44 of 2016 on the file of Sub-Court, Periyakulam seeking restitution of conjugal rights. It is further stated that she and her mother went to the Sub-Court, Periyakulam for attending the hearing. At that time, the respondent tried to assault the petitioner and threatened her with dire consequences. Further on 07.09.2017, when the petitioner went to the Sub-Court, Periyakulam, the respondent herein has threatened the petitioner and her mother to withdraw the criminal case, pending against him and also the writ petition. In that regard, a complaint was lodged on 08.09.2017 to the Deputy Superintendent of Police, periyakulam as well as the Superintendent of Police. In such circumstances the petitioner apprehends that there is a danger to her life, if she goes to Periyakulam to attend the hearing. Hence, she seeks transfer of H.M.O.P.No.44 of 2016 to any other Court in nearby Districts.

4. In spite of notice being served on the respondent, he has not appeared either in person or through counsel.

5. However, considering the reasons stated by the petitioner and the apprehension expressed by her that she may be physically abused and there may be a threatening to her life, if she goes to attend the hearing before the Sub Court, Periyakulam, this Court is inclined to entertain this petition.

6. Accordingly, this Transfer Civil Miscellaneous petition is allowed. Consequently, H.M.O.P.No.44 of 2016, pending on the file of the Sub-Court, Periyakulam is transferred to the file of the Principal Subordinate Court, Dindigul. The Subordinate Court, Periyakulam, is directed to transmit the entire records pertaining to the case in H.M.O.P.No.44 of 2016 to the Transferee Court, within a week from the date of receipt of a copy of this order. As and when such records were received from the Court below, the learned Principal Subordinate Judge, Dindigul is directed to dispose of H.M.O.P.No.44 of 2016 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/



To

1.The Subordinate Judge, Periyakulam.

2.The Principal Subordinate Judge, Dindigul.

+1cc to Mr.K.Mahendran, Advocate Sr.No.85629

PSD

VB/SKN/RSK/SAR2/22/11/2017/3P/4C

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