



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

Coram:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P. (MD) .No.526 of 2016
and C.M.P. (MD) No.10783 of 2016

Surya

.. Petitioner/Plaintiff

Vs.

1. Kanimozhi

2. The Sub-Registrar,
Salem West Joint I,
ORB Salem West,
Salem.

.. Respondents/Defendants

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw O.S.No.38 of 2014, pending before the Additional District Judge (Family Court), Salem and transfer the same to the Principal Sub-Court, Trichy for trial and disposal in accordance with law.

For Petitioner : Mr.C.Dhanaseelan
For RespondentR1 : Mr.D.Srinivasaraghavan
R2 : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking transfer of O.S.No.38 of 2014 from the file of the learned Additional District Judge (Family Court), Salem to the file of the learned Principal Sub-Judge, Trichy for trial and disposal.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials placed on record.

3. The wife has come before this Court seeking transfer of the suit in O.S.No.38 of 2014. The said suit was filed for declaration that the petitioner is not a legally wedded wife of the first respondent and for the other reliefs.

4. It is contended by the learned counsel for the petitioner that the marriage between the petitioner and the first respondent got registered with the second respondent on 29.10.2010



making use of her signature in certain documents obtained by the first respondent. Therefore, she filed the above suit. Since the marriage was registered in Salem, the said suit was filed before the Additional District Judge (Family Court), Salem and actually she is residing at Trichy. Hence, she filed the present Petition for transfer.

5. The learned counsel for the respondents would submit that the first respondent is apprehending threat in the hands of the family members of the petitioner.

6. This Court has to balance the rights of both the parties.

7. Since the first respondent is residing at Veeraganur, which is located in Perambalur near Athur and he is apprehending threat in the hands of the petitioner's family members, it is appropriate to transfer the above said suit to the file of the Sub Court, Thuraiyur, which is located 25 kms from Trichy and 50 kms away from the place of residence of the first respondent.

8. The learned Additional District Judge (Family Court), Salem, is directed to transmit the entire records in O.S.No.38 of 2014 to the file of the Subordinate Court, Thuraiyur, within a period of two weeks from the date of receipt of copy of this order. The learned Subordinate Judge, Thuraiyur, after obtaining the records on transfer, is directed to try O.S.No.38 of 2014 and dispose of the same as expeditiously as possible.

9. In the result, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected C.M.P. (MD) No.10783 of 2016 is closed.

Sd/-
Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Judge, (Family Court), Salem

2. The prl Subordinate Judge, Thuraiyur.

+1cc to Mr.Srinivasa Raghavan, Advocate in SR. No.2299

+1cc to Mr.C.Dhanaseelan, Advocate in SR. NO.2692

Jsi/skn/cr/30.01.2017/2p-5c