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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2017

CORAM:

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

TR.CMP(MD)No.540 of 2016

& C.M.P(MD)No.11438 of 2016

E.Divya

... Petitioner

Vs.

S.Ajayraj

... Respondent

Prayer: Petition filed under Section 24 of Code of Civil Procedure to withdraw H.M.O.P.No.603 of 2016 on the file of Family Court, Madurai and transfer the same to the file of Sub Court, Nagapattinam.

For Petitioner

: Mr.T.Srinivasa Raghavan

For Respondent

: No appearance

J U D G M E N T

The wife has come before this Court seeking transfer of H.M.O.P.No.603 of 2016 from the file of Family Court, Madurai to the file of Sub Court, Nagapattinam.

2. Heard the learned counsel for the petitioner and perused the materials placed on record. There is no representation for the respondent.

3.The petitioner/wife seeks transfer of H.M.O.P.No.603 of 2016 pending on the file of the Family Court Madurai, to the file of the Sub Court, Nagapattinam. She would aver that she is a resident of Nagapattinam and her husband/the petitioner in H.M.O.P.No.603 of 2016 is working in Andaman and only with a view to harass her, he has filed H.M.O.P at Madurai. Originally in H.M.O.P.No.603 of 2016 itself the address of the petitioner/the respondent in H.M.O.P.No.603 of 2016 is shown as No.42, Kariyangudi Cheeti Street, Velipalayam, Nagapattinam.

4. Considering convenience of the wife and the distance between Nagapattinam and Madurai, H.M.O.P.No.603 of 2016 is ordered to be withdrawn from the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Nagapattinam.

5. In the interest of justice, this petition is allowed with the following directions:

- i) The learned Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P. No.603 of 2016 to the file of the Sub Court, Nagapattinam, within a period of two weeks from the



date of receipt of copy of this order

ii) the learned Subordinate Judge, Nagapattinam, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in accordance with law.

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No costs. Consequently, connected C.M.P.(MD) No.11438 of 2016 is closed.

This Petition having been posted on 10.04.2017 for being mentioned. In pursuance to the order of this Court, dated 06/04/2017 and made in Tr.Cmp(MD)No.540 of 2016 herein in the presence of Mr.Aravindan counsel for Respondents and Mr.Madhavan, Counsel for the petitioner, this Court made the following order:-

Today the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the respondent/husband.

2. The learned counsel for the respondent/husband submits that his client apprehends threat to his life if he is to go Nagapattinam to conduct the proceedings since the parents of the petitioner/wife are residing at Nagapattinam, and they are locally influential people.

3. In view of the said apprehension and considering the convenience of the wife as well as the distance between Nagapattinam and Madurai, I feel that it will be in the interest of justice to transfer the proceedings to the file of the Sub Court, Myladuthurai, which is nearer to Nagapattinam. Hence the Registry is directed to replace paragraph Nos.4 and 5 of the order dated 06.04.2017 as follows and issue corrected order copy:

"4. Considering the convenience of the wife and the distance between Nagapattinam and Madurai, H.M.O.P.No.603 of 2016 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Sub Court, Myladuthurai.

5. In the interest of justice, this petition is allowed with the following directions:

i) The learned Judge, Family Court, Madurai, is directed to transmit the entire records in H.M.O.P. No. 603 of 2016 to the file of the Sub Court, Myladuthurai, within a period of two weeks from the date of receipt of copy of this order;

ii) The learned Subordinate Judge, Myladuthurai, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in



accordance with law.

No costs. Consequently, connected C.M.P.(MD).No.11438 of 2016 is closed."

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/True Copy/

Sd/-

Assistant Registrar(CS-I)

Sub Assistant Registrar

To

- 1.The Family Court, Madurai.
- 2.The Sub Court, Nagapatinam.
- 3.The Sub Court,Myladuthurai.

+1cc to M/S.M.KARTHIKEYA VENKATACHALAPATHY, Advocate SR.No.50530
+1cc to M/S.R.ARAVINTHAN, Advocate SR.No.51771

TR.CMP(MD)No.540 of 2016
& C.M.P(MD)No.11438 of 2016
06.04.2017

JM/SKN RSK/SAR 3/21.04.2017/3P/6C