



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

**Transfer C.M.P. (MD) No.122 of 2018
and C.M.P. (MD) No.2720 of 2018**

Thulasiammal ... Petitioner/Respondent

-vs-

Muthukumar ... Respondent/Petitioner

Prayer: Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the H.M.O.P.No.144 of 2017 on the file of the Honourable Sub Court, Srivilliputtur and transfer to the Sub Court, Kovilpatti.

For Petitioner : M/S.Lakshmi Gopinathan
For M/s.Polax Legal Solutions

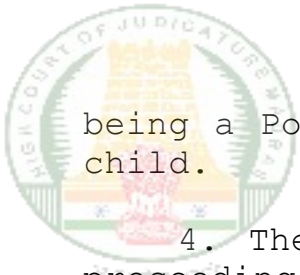
For Respondent : Mr.M.Jothi Basu

O R D E R

The petitioner, who is the wife of the respondent has filed this transfer petition with the prayer to transfer the case filed by her husband seeking for restitution of conjugal rights in H.M.O.P.No.144 of 2017 pending on the file of Sub Court, Srivilliputtur, to the Court of Sub Court, Kovilpatti.

2. It is the case of the petitioner / wife that her marriage with the respondent / husband had taken place on 25.10.2015 and out of their wedlock, they were blessed with a female child. The respondent demanded money of Rs.50,000/- from her parents and she was forcibly sent out of the matrimonial home. It is the further case of the revision petitioner that her husband married another woman by name Vanaroja and is living with her at present. The respondent, in order to escape from the criminal liability, has filed HMOP No.144 of 2017 for restitution of conjugal rights.

3. It is also submitted by the petitioner / wife that she has been staying with her parents and struggling with her child for her livelihood and every time, she had to spend Rs.500/- for attending the hearing at Srivilliputtur. Moreover, the husband,



being a Police Officer has been making life threat to her and the child.

4. The petitioner also states that she wants to conduct the proceedings freely without any fear or pressure and therefore, in the interest of justice, the case in HMOP No.144 of 2017 pending on the file of the learned Subordinate Judge, Srivilliputtur may be transferred to the Subordinate Judge, Kovilpatti, and seeking the said prayer, she has filed the present transfer petition before this Court.

5. Learned counsel for the respondent would submit that the distance between Srivilliputtur and Kovilpatti is not far and only to drag on the case, the present petition has been filed by the wife. However, in order to give quietus to the issue and complete the proceedings at an early date, the learned counsel for the respondent / husband has submitted that the respondent / husband is ready to pay Rs.1,000/- per hearing to the wife towards travelling expenses for attending the case at Srivilliputtur.

6. In reply to the above, learned counsel for the petitioner / wife has submitted that the wife is agreeable for the said arrangement, provided there should not be any threat either to her or to her child from the side of her husband.

7. In view of the above submissions made on either side, this transfer petition is disposed of with the following directions:

a) the respondent / husband is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) per hearing to the wife so as to enable her to attend the case at Srivilliputtur and the petitioner should not cause any hindrance to the respondent by using his official power;

b) the Subordinate Judge, Srivilliputtur is directed to dispose of HMOP No.144 of 2017, within a period of six months from the date of receipt of a copy of this order;

c) it is made clear that in the event of the petitioner / husband failing to pay the travelling expenses to the respondent / wife, the wife is entitled to revive this petition and seek the same relief once again.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To:

The Subordinate Judge,
Srivilliputtur.

+ 1 cc TO M/S.Polax Legal Solutions , Advocate in SR No. 62286
+ 1 cc TO Mr.M.Jothi Basu for M/S.G.M.Law Office, Advocate in SR
No. 61980

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AE/JC/SAR1/07.05.2018/3P/4C

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