



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR. C.M.P (MD) .No.287 of 2017

and

C.M.P (MD) No.6305 of 2017

S.Gayathri

...Petitioner/Respondent

Vs.

V.Maharaja

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.370/2017 on the file of the Additional Family Court Judge, Coimbatore and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.N.Karthik Kanna

For Respondent : Mr.R.Gandhi

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking transfer of H.M.O.P.No.370 of 2017, from the file of the Additional Family Court, Coimbatore to the file of the Family Court, Madurai.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 20.05.2015 at R.T.M. Marriage Hall, Coimbatore as per Hindu Rites and Customs. The entire marriage expenses were met out by the petitioner's parents. At the time of marriage, 20 sovereign of gold ornaments and a sum of Rs.1,00,000/- was given for purchasing sridhana articles. The respondent is working as Teacher in Government High School, Pujaganoor, Coimbatore.

3. The learned Counsel for the petitioner further submitted that the respondent and other in-laws subjected the petitioner to several harassments by demanding more dowry and she had been sent out by them from the matrimonial home. Therefore, a complaint has



been lodged by the petitioner's father to D.2 Selvapuram Police Station, Coimbatore and the police Officials had given a warning to the respondent.

4. The learned Counsel for the petitioner further submitted that again the respondent had thrown out the petitioner from the matrimonial home and hence, she gave a complaint before the All Women Police Station, Thilagar Thidal, Madurai for the offences punishable under Sections 498(A), 294(b), 406 and 506(i) I.P.C. He also submitted that since the petitioner had not yield out for their dowry demand, the respondent's family members are attempting to arrange second marriage for him. In the meantime, by making false allegations, the respondent has filed a petition for divorce in H.M.O.P.No.370 of 2017 before the Additional Family Court, Coimbatore under Section 13(1) (a) of the Hindu Marriage Act. She has also been deserted by the respondent without any maintenance. Hence, without any other option, she approached the Court of law for her protection against domestic violences.

5. The learned Counsel for the petitioner further submitted that the petitioner also filed a petition under Section 12 of Protection of Women from Domestic Violence Act before the Additional Mahila Court, Madurai seeking maintenance and other reliefs, which is yet to be numbered. The petition filed by the respondent is only harass the petitioner. The parents of the petitioner are aged persons and they are unable to accommodate her for each and every hearing to attend the case and her economical status is also very poor. Hence, the petitioner sought for transfer of H.M.O.P.No.370 of 2017, on the file of the Additional Family Court, Coimbatore filed by the respondent to be transferred to the Family Court, Madurai.

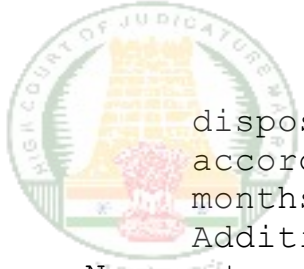
6. The learned Counsel for the respondent would submit that the respondent is not having any objection for transfer the case from Coimbatore to Madurai, however, he requests for earlier disposal of the matter, since he is working as teacher in a Government High School.

7. Heard the learned Counsel for the petitioner as well as the respondent.

8. Being satisfied with the reasons stated in the affidavit filed in support of this petition and the submission of the learned Counsel for the respondent, this petition is allowed with the following directions:

i) The learned Judge, Additional Family Court, Coimbatore, is directed to transmit the entire records in H.M.O.P.No.370 of 2017 to the file of the Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Madurai after obtaining the records on transfer, is directed to



dispose of 370 of 2017 as expeditiously as possible in accordance with law, preferably within a period of six months from the date of receipt of records from the Additional Family Court, Coimbatore.

No costs. Consequently, connected C.M.P.(MD) No.6305 of 2017 is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To,

1. The Additional Family Court, Coimbatore.

2. The Judge,
Family Court, Madurai.

+1 cc to Mr.R.Gandhi , Advocate in SR.No. 67758

ssl/cp

AE/MR KKR/SAR2/03.08.2017/3P/4C

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