



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr.C.M.P. (MD) .No.484 of 2017

and

C.M.P. (MD) No.9677 of 2017

P.Maruthupandian

... Petitioner/Respondent

Vs.

Kanimozhi

... Respondent /Petitioner

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 C.P.C to withdraw and transfer the case in H.M.O.P.No.131 of 2017 on the file of the Sub-Court, Devakottai to the Principal Sub-Court, Thanjavur.

For Petitioner

: Mr.A.K.Manickam

For Respondent

: Mr.P.Thilak Kumar

O R D E R

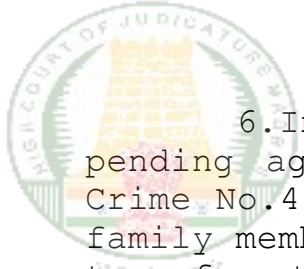
The Transfer Civil Miscellaneous Petition is filed to transfer the HMOP No.131 of 2017, on the file of the Sub Court, Devakottai to Principal Sub Court, Thanjavur.

2.The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 22.04.2015.

3.The learned counsel appearing for the petitioner submitted that the respondent / wife had frequently visited her native place without the company of the petitioner and the petitioner asked her to come to matrimonial home, she refused. He also submitted that the respondent's brother along with others attacked the petitioner. Hence a case in Crime No.409 of 2017 has been registered by the Karaikudi North Police Station against them.

4.The learned counsel for the respondent contended that the respondent is unemployed and she is not having any independent sources of income, further she is living with support of her parents.

5.The learned counsel for the respondent opposed the transfer petition and contended that the present petition is to be dismissed.



6. In view of the fact that there was a criminal case is pending against the family members of the respondent / wife in Crime No.409 of 2017 and there is life threat at the hands of the family members of the respondent / wife, this Court is inclined to transfer the case in HMOP No.131 of 2017 on the file of the learned Sub-Court, Devakottai to the learned Family Court, Pudukkottai, for which the learned counsel appearing for the respondent has no objection. However, personal appearance of the petitioner / husband is dispensed with, except the date on which, the Court below requires the appearance of the petitioner / husband.

7. Accordingly, this petition is disposed of with the following directions:

(a) The learned Sub-Court, Devakottai, is directed to transmit the entire records pertaining to the case in the HMOP No.131 of 2017, to the learned Family Court, Pudukkottai, within a period of two weeks from the date of receipt of a copy of this order, if the same is not yet disposed of.

(b) The learned Family Court, Pudukkottai, after obtaining the records on transfer, is directed to dispose of the said HMOP, within a period of three months, thereafter.

8. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Sub-Court, Devakottai.

2. The Family Court, Pudukkottai.

+1cc to Mr.P.Thilak Kumar, Advocate Sr.No.77101

+1cc to Mr.A.K.Manickam, Advocate Sr.No.76619

GNS

VB/SKN/SAR2/10.09.2018/2P/5C

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