

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.CMP. No.614 of 2019
and CMP.No. 17536 of 2019

R. Mahalakshmi

... Petitioner

Vs.

K. Raja @ Palanisamy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.No.272 of 2019 from the file of the Family Court Judge, Salem to the file of the Family Court at Dharmapuri or to any other competent Court of equal jurisdiction subordinate to this Hon'ble High Court.

For Petitioner : Mr. G.Jayaseelan

For Respondent : Mr.S.Senthilkumar for
M/s. Star Associates

O R D E R

The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking transfer of proceedings in H.M.O.P.No 272 of 2019 pending on the file of the Family Court, Salem, to the file of Family Court, Dharmapuri.

2. The case of the petitioner is that she married the respondent/husband as per Hindu Rites and Customs on 22.04.2005 at Karuvalli Chinna Thirupathi, Arulmigu Sri Prasanna, Omalur Taluk, Salem District. Both of them were living at D.No.86, Arunthathiyar Street, Jagir Reddypatti, Ammapalayam, Salem. Through the wedlock, two female and one male children were born. Their children studied in various schools. As the respondent is a lorry driver, he started harassing the petitioner for additional dowry from her family and he has caused injuries by assaulting her physically and she was treated at Government hospital. The respondent/husband has abused the petitioner with filthy language in front of neighbours and the friends. The act of the respondent has become horrible, that she could not tolerate at any more and she was beaten up by the respondent/husband mercilessly, which is even caused serious bleeding.

3. The respondent is addicted to alcohol and other narcotic drugs and spent his all income in gambling and for other luxurious items. The petitioner has given a complaint at S.H.O. Women Police Station, Sooramangalam and they have also registered a case in Crime No.18 of 2019 for the offence he has committed and on the other complaint, a FIR No.359 under Sections 294(b), 323, 506 (i) of IPC and 4 of the TNPHW Act, 2002 was also registered against him. Now the petitioner is living at her parent's house at Pochampalli Taluk, Melsamandapatti, Krishnagiri District and one of the daughter has grown up and attained maturity.

4. The respondent had filed H.M.O.P.No.272 of 2019 seeking divorce before the Family Court Judge at Salem and she finds it difficult to travel to the said Court, which is at a long distance as she having three children and she was suffering from Rheumatism with severe both knee joint pain, could not travel long distance by public transport. She also submits that the respondent/husband has got political support and rowdy elements and he has also threatened the petitioner that he will kill her before the Court entrance for attending the proceedings in Family Court at Salem. As one of the daughter has also attained puberty, it will not be possible for her to travel to the Sub Court and she has no protection in the said Court at Salem and she prays for withdrawal of H.M.O.P.No.272 of 2019 and transfer the same to any one of the Court at Dharmapuri.

5. The learned counsel for the respondent submitted that the petitioner/wife is residing in Salem only and the statement by the wife is false.

6. Though the respondent/husband submitted that the petitioner/wife is residing at Salem, no documents has been produced to prove the same. Since, she has one grown up girl child and two other children, she cannot leave alone the children and travel to Salem to attend Court proceedings.

7. In view of the above observations, this Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P.No 272 of 2019 pending on the file of the Family Court, Salem, is transferred to the file of Family Court, Dharmapuri. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Judge,
The Family Court,
Salem.
2. The Judge,
The Family Court,
Dharmapuri.

+lcc to Mr.G.Jayaseelan, Advocate Sr.88492

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srg 25/11/2019