



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) Nos.309 & 310 of 2019
and
C.M.P. (MD) Nos.7087 & 7091 of 2019

Rajasekar

... Petitioner in both Tr.C.M.Ps.,

vs.

Gunavathy

... Respondent in both Tr.C.M.Ps.,

Common Prayer:-These Petitions are filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.Nos.1 & 25 of 2019 on the file of the Sub Court, Veda sandur and transfer the same to the file of Family Court, Madurai.

For Petitioner
in both Tr.C.M.Ps., : Mr.V.Muthumani

For Respondent
in both Tr.C.M.Ps., : No appearance

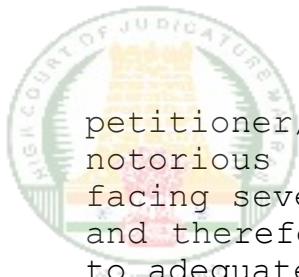
COMMON ORDER

Tr.C.M.P.(MD) No.309 of 2019 is filed by the petitioner/husband seeking to transfer the petition in HMOP.No.1 of 2019 filed by him for restitution of conjugal rights on the file of the Sub Court, Veda sandur to the file of Family Court, Madurai.

2.Tr.C.M.P.(MD) No.310 of 2019 is filed by the petitioner/husband seeking to transfer the petition in HMOP.No.25 of 2019 filed by the respondent/wife for divorce on the file of the Sub Court, Veda sandur to the file of Family Court, Madurai.

3.Though notice was served on the respondent, none appeared on behalf of the respondent.

4.The reason seeking to transfer the above petitions is that the respondent/wife is being forcibly kept away from the



petitioner/husband by a lady, Parvadham and the said Parvadham is a notorious woman in her locality. That apart, the petitioner is facing severe threat to his life from the said Parvadham and her men and therefore, the petitioner would contend that he may not be able to adequately defend the case, if it is tried at Vendasandur.

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5. Admittedly, the marriage between the petitioner and the respondent was solemnized at Pudukkottai and the parties have last resided together at Kanchipuram and at present, both of them are living within the jurisdiction of Sub Court, Dindigul. At this juncture, the petitioner sought to transfer the above petitions to the file of Family Court, Madurai, which does not have any jurisdiction to try the said petitions, because, the marriage between the parties had not taken place within the jurisdiction of Family Court, Madurai and also the parties had not resided last together within the said jurisdiction. That apart, no allegations were made in the affidavit filed by the petitioner.

6. Under these circumstances, I do not find any merit in both the transfer petitions and accordingly, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Subordinate Judge,
Vendasandur.

2. The Judge,
Family Court,
Madurai.

TR.C.M.P. (MD) Nos.309 & 310 of 2019
22.10.2019

VB (27.11.2019) 2P 3C