



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2019

CORAM

WEB COPY

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

TR.C.M.P. (MD)No.408 of 2019
and
C.M.P. (MD)No.9495 of 2019

Murugeshwari ... Petitioner / Respondent

Vs.

Thaila Pillai ... Respondent / Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in H.M.O.P.No.117 of 2019 on the file of the Principal Subordinate Judge, Trichirappalli, to the file of the Family Court, Dindigul.

For Petitioner : Mr.A.Hariharan

For Respondent : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in H.M.O.P.No.117 of 2019 from the file of the learned Principal Subordinate Judge, Trichirappalli to the file of learned Family Court, Dindigul, where the petitioner is residing, after she was driven out from the matrimonial home.

2.From the affidavit, it appears that the problem is not between the spouses but only on account of the in-laws. Be that as it may, the husband has not taken steps to take her back to the matrimonial home and he has also not been maintaining her.

3.The learned counsel appearing for the petitioner would submit that the petitioner and her family members are facing physical threat and that on 16.09.2019, while the petitioner and her father were waiting at the bus stand, the husband and her father-in-law came along with certain rowdy elements and had attacked the petitioner's father and threatened to kill them. In the above circumstances, she fears for her life, if she has to go to Trichirappalli for hearing.



4.Considering the submissions made, which appears to have considerable force, this Court is inclined to allow this transfer civil miscellaneous petition, as prayed for. Accordingly, the petition in H.M.O.P.No.117 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Subordinate Judge, Trichirappalli to the file of Family Court, Dindigul.

5.The learned Principal Subordinate Judge, Trichirappalli, is directed to transmit the entire records in H.M.O.P.No.117 of 2019 to the Family Court, Dindigul and the learned Family Court, Dindigul is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Subordinate Judge, Trichirappalli.
- 2.The Judge, Family Court, Dindigul.

+1 CC to M/s.A. HARIHARAN, Advocate (SR-100176[F] 21/11/2019)

TR.C.M.P. (MD) No.408 of 2019
21.11.2019

gns

SDS (13.12.2019) 2P 4C