



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 01.11.2021

Pronounced on : 17.12.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Tr.C.M.P.Nos.578 and 582 of 2021
and
C.M.P.Nos.14926 and 14951 of 2021

A.R.Salaudeen @ Salaudeen Abdul Razhak
... Petitioner in both Tr.C.M.Ps

Versus

S.Thaslima Farvin ... Respondent in both Tr.C.M.Ps

Common Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the cases in O.S.No.95 of 2017 and O.S.No.33 of 2020 pending on the file of the District Munsif Court, Panruti and transfer the same to any competent Court at Villupuram.

In both Tr.CMPs

For petitioner : Mr.V.V.Sairam

For Respondent : M/s.Hema Sambath
Senior Counsel for
Mrs.R.Meenal

ORDER

[The Case has been heard through video conference]

These Transfer Civil Miscellaneous Petitions have been filed by the petitioner seeking to withdraw the cases in O.S.No.95 of 2017 and O.S.No.33 of 2020 pending on the file of the District Munsif Court, Panruti and transfer the same to any competent Court at Villupuram.

2. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

3. The petitioner and respondent are husband and wife. The petitioner herein has filed O.S.No.95 of 2017 before the District Munsif Court, Panruti for dissolution of marriage between the petitioner and the respondent. The respondent



herein also filed O.S.No.33 of 2020 for dissolution of marriage pending on the file of same District Munsif Court, Panruti. Now these Transfer Civil Miscellaneous Petitions were filed by the petitioner/husband for withdrawing the above two suits on the file of the District Munsif Court, Panruti and transfer the same to any competent Court at Villupuram.

4. Admittedly, the respondent herein has filed a criminal case in C.C.No.619 of 2019 which is also pending before the Additional Mahila Court, Cuddalore. The learned counsel for the petitioner would submit that when the petitioner herein came to the Court on 05.03.2021 for enquiry in the original suit, the father of the respondent threatened him in the presence of police. The petitioner further submitted that when the petitioner attended Additional Mahila Court, Cuddalore pertaining to the criminal case in C.C.No.619 of 2019 which was initiated on the complaint of the respondent, the father of the respondent who came along with others, threatened the petitioner even ignoring in the presence of the Judge. Upon making the above submissions. The learned counsel would submit that in order to save the life of the petitioner and his mother, both suits in O.S.Nos.95 of 2017 and 33 of 2020 have to be necessarily transferred from the file of the District Munsif Court, Panruti to any competent Court at Villupuram.

5. Per Contra, the learned counsel for the respondent denied the allegations put forth on the side of the petitioner herein and contended that it is because of the petitioner, the cases in O.S.Nos.95 of 2017 and 33 of 2020 were getting dragged and the respondent herein filed C.R.P.No.28 of 2019 for early disposal of the suit and this Court ordered direction for disposal of the suit within a period of six months from the date of receipt of copy of the order and when the suit was posted in special list, the petitioner did not appear for so many hearings and the suit was dismissed for non-prosecution on 17.02.2020 and the same was restored on 17.04.2020. It is further contended that the respondent herein filed O.S.No.33 of 2020 for dissolution of marriage and the cases are pending part-heard and the cases are getting adjourned from time to time at the instance of the husband and hence, he sought for dismissal of these petitions.

6. On perusal, the Tr.Crl.M.P.No.2787 of 2021 filed by the respondent herein for withdrawing the case in C.C.No.619 of 2019 on the file of the Additional Mahila Court, Cuddalore to District Munsif Court, Panruti and to try along with D.V.A.C.No.1 of 2021 was dismissed. This Court is of the opinion that both the petitioner and the respondent are filing petition after petition without giving importance to the disposal of the suits filed by them on merits.

7. Hence, considering the fact that the suits are pending in part-heard, these petitions are dismissed with a direction to the District Munsif Judge, Panruti, to dispose of the cases



as expeditiously as possible by giving short adjournments, preferably within a period of three months from the date of receipt of a copy of this order.

8. With the above observation, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

gbi

To:

The District Munsif, Panruti.

+1cc to Mr.V.V.Sairam, Advocate SR.No.67812

+1cc to Mrs.R.Meenal, Advocate SR.No.68180

Tr.C.M.P.Nos.578 and 582 of 2021

PA(CO)
GMY(05/01/2022)