



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.215 of 2021

and

C.M.P. (MD)No.4183 of 2021

S.V.Shanthi

... Petitioner/Respondent

-vs-

Dr.S.Venkatprabhu

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw O.P.No.52 of 2021 on the file of the Family Court, Theni and transfer the same to the Family Court, Salem.

For Petitioner : Mr.B.Jeyakumar

For Respondent : M.S.Mohamed Ayub

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw O.P.No.52 of 2021 on the file of the Family Court, Theni and transfer the same to the Family Court, Salem.

2.The learned counsel for the petitioner submitted that O.P.No.52 of 2021 was filed by the respondent/husband before the Family Court, Theni, for divorce. The petitioner is living with her parents at Salem. The distance between Thoppukaadu, Salem District and Theni is nearly 300 kms. He further submitted that the respondent assaulted the petitioner on three occasion, against which, the petitioner lodged a complaint before All Women Police Station, Theni. Due to the allegation levelled against the respondent, there is a serious threat at the hands of the respondent. Moreover, the petitioner depends on her old age parent and her Son is studying at aboard. If the petitioner attends the case at Theni, there would be life threat to the petitioner. Therefore, he seeks to transfer the case.

3.Per contra, the learned counsel for the respondent submitted that the respondent is practising as a Doctor. The petitioner and her henchmen illegally attacked the respondent and also locked his Hospital, for which, the respondent lodged a complaint before the Theni Police Station. Since the petitioner is having money power and political influence, the Police has not taken any action on the respondent's various complaints. If the respondent attends the Court hearing at Salem, there would be life threat to the respondent at



the hands of the henchmen of the petitioner. The learned counsel for the respondent further submitted that if this Court feels to transfer the case, the same may be transferred to any other centre place.

4. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court feels to transfer the case to the file of Family Court, Karur.

5. Accordingly, O.P.No.52 of 2021 from the file of the Family Court, Theni is withdrawn and transferred to the file of the Family Court, Karur. The Judge, Family Court, Theni, is directed to transmit the papers to the Family Court, Karur forthwith. The Judge, Family Court, Karur is directed to dispose of O.P.No.52 of 2021 on merits and in accordance with law as expeditiously as possible.

6. The personal appearance of both parties before the Family Court, Karur is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

7. In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

To:

1. The Judge, Family Court, Theni.
2. The Judge, Family Court, Karur.

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-20206[F] dated 25/06/2021)

Order made in

Tr.C.M.P. (MD) No.215 of 2021
and C.M.P. (MD) No.4183 of 2021

Dated: 25.06.2021

SVN(CO)

TR(02.07.2021) 2P 4C