



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) No.247 of 2021 and

C.M.P. (MD) No.4758 of 2021

WEB COPY

S.Saranya

... Petitioner/Petitioner

Vs.

R.Anbalagan

... Respondent/Respondent

Prayer: Transfer Civil Miscellaneous petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.14 of 2019 on the file of the Family Court, Thanjavur and transfer the same to the Sub Court, Pattukottai, Thanjavur District.

For Petitioner : S.Saranya.

Party-in-person.

For Respondent : Mr.S.Jeyachandran

O R D E R

Heard the petitioner in person and the learned counsel appearing for the respondent.

2. The respondent Thiru.Anbalagan had filed H.M.O.P.No.14 of 2019 before the Family Court, Thanjavur, seeking the relief of dissolution of his marriage with the petitioner herein. Seeking transfer of the said H.M.O.P., to the Sub Court, Pattukottai, this transfer civil miscellaneous petition has been filed.

3. The petitioner who appeared in person through Video Conference, reiterated all the contentions set out in the affidavit filed in support this transfer civil miscellaneous petition. The petitioner would state that on 15.03.2021, she was physically assaulted by the respondent and also his counsel in the Court premises itself leading to registration of Crime No.112 of 2021 for the offences under Sections 294(b), 323, 506(1) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. The petitioner would state that she is facing life-threat at the hands of the respondent within the Court premises of Thanjavur. It is for this reason, she seeks transfer of this H.M.O.P. to the Sub Court, Pattukottai.

4. It is seen that the petitioner as well as the respondent are advocates practising in the Courts at Thanjavur. The learned counsel appearing for the respondent brings to my notice that since the presiding judge was not inclined to proceed with the matter on



account of the conduct of the petitioner, the respondent filed TR.C.M.P.(MD)No.265 of 2020 before this Court. By order dated 16.02.2021 certain directions have been passed. The petitioner herein filed quite a few interlocutory applications and those I.As. had been ordered to be disposed of within a period of three months. The main O.P. itself had also been directed to be disposed of within a period of six months, thereafter. It is stated that the evidence in the I.As. has already been taken and the orders are to be pronounced. Since the petitioner does not want the disposal of I.As. as well as H.M.O.P., the present petition has been filed. This is the stand of the respondent.

5. I wanted to know from the learned counsel as to the circumstances which led to the registration of Crime No.112 of 2021 on the file of Thanjavur South police station. The learned counsel would state that the petitioner had always been adopting an obstructionist approach and as a result, quite a few cases have been registered against her. He drew my attention to the fact that the petitioner staged dharna before the Madurai Bench leading to her arrest. He would state that since the preceding Judge had taken up the matter pursuant to the directions given by this Court, after the hearing was over on 15.03.2021, it was the petitioner who confronted the respondent and also entered into a physical scuffle. He would also state that since the petitioner staged dharna before the police station, the police was left with no other option but to register Crime No.112 of 2021.

6. I do not want to go into the circumstances that led to the registration of various criminal cases. If I accept the petitioner's request, that would result in frustrating the directions earlier given in Tr.C.M.P.(MD)No.265 of 2020. I cannot lose sight of the fact that the petitioner went to the extent of staging dharna before the Madurai Bench. The version projected by the learned counsel appearing for the respondent cannot be ignored. The petitioner being a practising advocate ought to cooperate in the disposal of I.As. as well as H.M.O.P.No.14 of 2019 as directed by this Court in TR.C.M.P.(MD)No.265 of 2020. I find no ground to transfer the case.

7. This transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

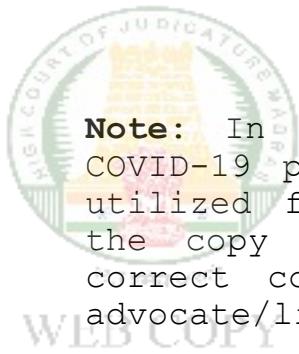
Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judge,
Family Court, Thanjavur.
2. The Sub Judge,
Pattukottai, Thanjavur District.
3. The Record Keeper, (2C)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

TR.C.M.P. (MD) No.247 of 2021
09.06.2021

KB(25.06.2021) 3P 5C