



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.393 of 2021

and

C.M.P. (MD) No.7748 of 2021

WEB COPY

K.P.R.Varatharajan

.. Petitioner/Respondent

-vs-

M.Kala

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure to withdraw the case in M.C.No.3 of 2021 on the file of the District Munsif cum Judicial Magistrate, Boothapandi, Kanyakumari District and to transfer the said case before the Judicial Magistrate, Valliyoor or any other competent court.

For Petitioner : Mr.S.Vinayak

For Respondent : Mr.R.Senthilkumar

ORDER

This petition is filed by the petitioner/husband, who is the respondent in M.C.No.3 of 2021 seeking transfer of the said Maintenance Case pending on the file of the District Munsif cum Judicial Magistrate, Boothapandi, Kanyakumari District to the file of the Judicial Magistrate at Valliyoor.

2.The basis on which the transfer is sought for is on the ground that the petitioner, when he attended the proceedings before the District Munsif cum Judicial Magistrate, Boothapandi on 24.02.2021, had been assaulted by the respondent/wife and her men along with her Advocate. The petitioner had registered a complaint before the Boothapandi Police Station with regard to this incident and it appears that the respondent's Advocate one Mr.Mani had also lodged a complaint against the petitioner as a counterblast.

3.The petitioner would submit that he is the permanent resident of Valliyoor and the marriage had also taken place at Valliyoor and it is with *mala fide* intentions, the Maintenance Case in M.C.No.3 of 2021 had been filed before the District Munsif cum Judicial Magistrate, Boothapandi.



4.The learned counsel for the petitioner would submit that the petitioner apprehends not only would he be attacked, but there is every possibility of him not getting a fair trial in the said Court.

5.The respondent has been served and has entered appearance through counsel.

6.After hearing the learned counsel on either side, this Court suggested that the Maintenance Case be transferred to any Court at Kanyakumari to which both learned counsel had agreed and therefore, the transfer petition is allowed and M.C.No.3 of 2021 is withdrawn from the file of the District Munsif cum Judicial Magistrate, Boothapandi and transferred to the Family Court at Kanyakumari. The District Munsif cum Judicial Magistrate, Boothapandi is directed to transfer all the papers immediately on receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Abr

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 District Munsif cum Judicial Magistrate,
Boothapandi, Kanyakumari District.

2.The Judge,
The Family Court, Kanyakumari.

Tr.C.M.P.(MD)No.393 of 2021

Dated: 09.11.2021

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