



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.(MD) No.502 of 2021
and
C.M.P.(MD) No.9317 of 2021

Mahendran

... Petitioner

-vs-

1.Ramalakshmi
2.Kumar

... Respondents

Prayer:- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in O.P.No.2386 of 2021 on the file of the V Additional Principal Judge, Family Court, Chennai and transfer the same to the Family Court at Srivillipudur, Virudhunagar District.

For Petitioner : Mr.R.Murugappan

ORDER

The above transfer civil revision petition is filed by the husband seeking to transfer the petition in H.M.O.P.No.2386 of 2021 on the file of the V Additional Principal Judge, Family Court, Chennai to the file of the Family Court, Srivilputhur, Virudhunagar District.

2.The petitioner had married the first respondent on 24.10.2007 and they have been blessed with two children, both boys aged about 12 and 10 years respectively. The petitioner is working in Indian Army and the first respondent is the home maker. It is the case of the petitioner that the first respondent is carrying on an illicit relationship with the second respondent and that he had caught the two of them in a compromising position. The respondent had threatened the petitioner and chased him out of his house. Hence, a criminal complaint was lodged by the petitioner and thereafter, he had filed the petition for divorce.

3.It is the case that the first respondent is conspiring to murder petitioner so as to enjoy his death cum retirement benefit and also enable her to lead her adulterous life. The petitioner has found the respondents and their henchmen following him whenever he attends the hearing before the Family Court at Chennai. He would further submit that he has moved out of Chennai and is living



now at Srivilliputhur with his sister considering his safety. He sought to have the matter transferred to the file of the Family Court at Srivilliputhur.

4. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. The only apprehension of the petitioner which is prompted him to file the above petition, is his physical safety, since he apprehends that the respondents would join together to cause physical harm. However, these are mere apprehensions. In order to allay the fears, though this Court does not find any ground for transferring the petition out of the file of the V Additional Principal Judge, Family Court, Chennai, however, taking into consideration the apprehension, the petitioner's presence on all the hearings is dispensed with except when he has to depose before the Court. It is also made clear that the cross-examination of the petitioner shall be concluded on the very same day, when he submits his chief examination. Further in order to facilitate the above, the petitioner shall serve an advance copy of the proof affidavit filed in lieu of his chief examination to the respondents so as to enable the respondents to conclude their cross examination on the same day as he adduces his chief examination.

6. This Transfer Civil Miscellaneous Petition is dismissed with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

The V Additional Principal Judge,
Family Court,
Chennai.

Tr.C.M.P.(MD) No.502 of 2021
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