



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE **R. SUBRAMANIAN**

TR.C.M.P. (MD)No.463 of 2019

and

C.M.P. (MD)No.10658 of 2019

WEB COPY

J.Saranya

: Petitioner

Vs.

R.Saravan Kumar

Rep by Power Attorney T.Radhakrishnan. : Respondent

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.186 of 2018 on the file of the Family Court, Tiruvallur and transfer the same to the Subordinate Court, Lalgudi, Trichy District.

For Petitioner

:Mr.R.Senthil Kumar

For Respondent

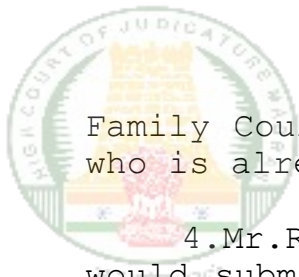
:Mr.K.J.Parthasarathy

ORDER

The wife seeks transfer of H.M.O.P.No.186 of 2018 on the file of the Family Court, Tiruvallur to Subordinate Court, Lalgudi, Trichy.

2.Transfer is sought for on the ground of convenience, since the wife is a resident of Trichy. The husband, admittedly, is a resident of United States of America and his father is appearing as a power attorney in other connected cases. It is seen from the records that H.M.O.P.No.186 of 2018 has been filed by the husband showing his address at New York, United States of America. It is also learnt that he is represented by his father and Power Attorney, one T.Radhakrishnan.

3.Mr.K.J.Parthasarathy, learned Counsel for the respondent/husband would submit that apart from the proceeding pending before the Family Court at Tiruvallur, the wife has launched proceedings under the Protection of Women from Domestic Violence Act, 2005 and under Section 125 of Cr.P.C., which are pending in the Courts at Trichy. He would further contend that whenever the father appears for those proceedings, the relatives of the wife would gang up together and threaten him with dire consequences, if the husband does not re-unite himself with wife. Therefore, according to the learned Counsel for the husband the transfer of this case to the



Family Court at Trichy would create further problem for the father, who is already above 65 years of age.

4.Mr.R.Senthil Kumar, learned Counsel for the petitioner/wife would submit that the respondent's father is an ex service man and therefore no one could even dream of threatening him.

5.Considering the allegations and counter allegations made, I am of the opinion that it will be in the interest of both parties that they do not see eye to eye very frequently. Hence, H.M.O.P.No.186 of 2018 on the file of the Family Court, Tiruvallur is withdrawn and transferred to the Principal Subordinate Court, Trichy, to be tried and disposed of in accordance with law. The inconvenience caused to the father/power of attorney will also be largely reduced, as he is not required to appear in person for every hearing before the Principal Subordinate Court, Trichy.

6.The Transfer Civil Miscellaneous Petition is disposed of as above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Judge, Family Court, Tiruvallur

2.The Principal Subordinate Judge, Trichy.

+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-6769[F] dated 23/02/2021)

+1 CC to Mr.K.J.PARTHASARATHY, Advocate (SR-7108[F] dated 25/02/2021)

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