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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.39 of 2022

and

C.M.P.No.957 of 2022

Savithiri

... Petitioner/Petitioner

Vs

M.Vijayakumar

... Respondent /Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer the pending HMOP.No.1928 of 2021 from the file of the Additional Family Court, Coimbatore and to transfer the same to the Family Court, Pudukottai.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.G.Rajan

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer the pending HMOP.No.1928 of 2021 from the file of the Additional Family Court, Coimbatore and to transfer the same to the Family Court, Pudukottai.

2. The respondent/wife in the petition for divorce filed before the Additional Family Court, Coimbatore in HMOP.No.1928 of 2021 is, before this Court, seeking transfer of the proceedings now pending on the file of the Additional Family Court, Coimbatore, to the file of the Family Court, Pudukottai. The petitioner has given the following reasons for the transfer:

a) She finds it difficult to travel from her village to Coimbatore, which is about 560 kms., up and down and it would be difficult to travel for every hearing as the matter is before the Family Court.



b) She is now residing under the care and custody of her parents and therefore, it would cause a further financial burden on her parents who had already spent huge sums of money for her marriage;

c) The respondent is a very affluent person and he would not find it difficult to travel to Pudukottai;

d) The respondent/husband had entered appearance and had submitted that the petitioner has made his life miserable while she was in her matrimonial home and she had voluntarily returned to her parents home. It is also his contention that the petitioner and her relatives are people assailing great influence in the Pudukottai District and who are basically money lenders and therefore, they would not hesitate to do away with him. He would also point out the various complaints that have been lodged by the petitioner herself before the All Women Police Station, Coimbatore, for which, she has travelled all the way to Coimbatore. The complaints have all been made after the petitioner had issued the legal notice. She has submitted petitions to the District Collector, Coimbatore, All Women Police Station, Coimbatore and protection Officer, Coimbatore etc. The complaints have been filed as latest as on November 2021. The letters which have been enclosed in the typed set of papers indicate that the petitioner has volunteered to go over to Coimbatore to attend the Criminal complaints. Therefore, the reasons given for seeking transfer appears to be motivated. Further, the learned counsel for the respondent would inform that after the previous hearing i.e. 28.02.2022, the petitioner has filed the petition for Restitution of Conjugal Rights with a malafide intention to give effect another ground for seeking the transfer.

3. Heard both the counsel.

4. Considering the fact that the petitioner has been travelling to Coimbatore to lodge criminal complaints against the respondent her contention that she is unable to travel to Coimbatore appears to be made solely for the purpose of the transfer petition. The conduct of the petitioner in filing the restitution petition after this Court had heard both parties in part appears to be intentional. Further, the documents submitted by the the learned counsel for the respondent to establish the filing of the complaints before the protection officer, Coimbatore by the petitioner clearly shows the malafide intention of the petitioner. Therefore, this Court is not inclined to transfer the case.



5. Accordingly, this Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ub/pbl

To

1. The Additional Judge,
Additional Family Court,
Coimbatore.
2. The Judge,
Family Court, Pudukottai.
3. The Section Officer,
V.R. Section, High Court, Madras.

+1cc to Mr. P.M. Vishnuvarthanan, Advocate Sr.19960
+1cc to Mr. G. Rajan, Advocate Sr.19959

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