



Tr.C.M.P(MD)No.303 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2022

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Tr.C.M.P(MD)No.303 of 2022

and

C.M.P(MD) No.5051 of 2022

K.Karthik

... Petitioner

-Vs-

1.M.Malarvizhi

2.Minor Kavin Dev

... Respondents

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the proceedings in M.C.No.45 of 2022 on the file of the Family Court, Trichy and transfer the same to any other Family Court.

For Petitioner : Mr.G.Maruthiah

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in M.C.No.45 of 2022 from the file of the Family Court, Trichy to any other Family Court.



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2.The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 19.10.2018, as per the Hindu Rites and Customs. Out of the wedlock, they have blessed with a male baby. Subsequently, Due to some misunderstanding between the petitioner and the respondent, they are living separately. The respondent filed MC.No.45 of 2022, seeking maintenance from the petitioner, before the Family Court, Trichy. Since the petitioner is working at Chennai, he filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in MC.No.45 of 2022 from the file of the Family Court, Trichy to any other Court.

3.The learned counsel appearing for the petitioner submits that the petitioner is working as software engineer at Chennai and taking advantage of the same, the respondent's father and brother often visited Chennai and demanded money from him. The petitioner has filed petition for Restitution for conjugal rights before the Family Court, Trichy in H.M.O.P No.351 of 2021 and the respondent also contesting the same. In that application, the petitioner has also taken out I.A.No.1 of 2021,for visitation right of his child and that was also ordered on 15.11.2021.



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During one of such visit, the respondent's father and brother attempted to attack him. Under the circumstances, if the petitioner attends proceedings at Family Court, Trichy, he will be in danger. Hence, the proceedings in M.C.No.45 of 2022 has to be transferred from the Family Court, Trichy to any other competent Court.

4.This Court considered the submissions made by the learned counsel for the petitioner and also perused the materials placed on record.

5.Though the petitioner claimed that he was attempted to assault by the respondent's father and brother, no proof has been filed for the same. If any such apprehension, it is always open to the petitioner to lodge a separate complaint before the concerned Police station. This is not a valid ground for transfer of the proceedings from one Court to another Court.

6.In view of the above, this Court is not inclined to entertain this Transfer Civil Miscellaneous Petition. Accordingly, this Transfer



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Civil Miscellaneous Petition is dismissed. No costs. Consequently,
connected miscellaneous petition is closed.

27.07.2022

Index : Yes/No
Internet : Yes/No
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To

- 1.The Family Court, Trichy
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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B.PUGALENDHI, J.

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Order made in
Tr.C.M.P(MD)No.303 of 2022

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