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Tr.CMP.No. 189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 189 of 2023

and

C.M.P. No. 4282 of 2023

V.Suresh

.. Petitioner

Versus

Sarojini @ Sathya

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw HMOP.No. 137 of 2021 on the file of the Principal Sub Court, Kumbakonam and to transfer the same to the Family Court, Coimbatore.

For Petitioner	: Mr. D. Kamatchi
For Respondent	: No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed withdraw the HMOP. No. 137 of 2021 pending on the file of the Principal Sub Court, Kumbakonam, and to transfer the same to the Family Court, Coimbatore.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/husband and the respondent/wife on 25.05.2014. There was some family dispute arose between them. During the compromise talks held in both the family members, the respondent/wife demanded to transfer the property stands in the name of his father and mother in her name for withdrawing the police complaint lodged against the petitioner herein. Subsequently, the petitioner/husband filed a petition in H.M.O.P.No. 137 of 2021 on the file of Principal Sub Court, Kumbakonam under Section 13(1) (ia) of the Hindu Marriage Act, 1955. Further, the relatives and henchmen of the respondent/wife threatened the petitioner and his family members with dire consequences and they had a malafide intention to grab the property from the petitioner herein and his father. As demanded by the respondent/wife and her family members, the petitioner's father had settled a shop situated at Salaimangalam Road, Papanasam, in favour of the petitioner's son and registered a Settlement Deed, dated 21.05.2020. Therefore, the petitioner seeking to transfer the case and to dispose of the Original Petition.



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3. The learned Counsel for the petitioner submitted that the petitioner and his brother were assaulted by the respondent's father and brother with deadly weapons and they had suffered injuries. In this regard, FIR has already been registered against them before the Papanasam Police Station. He further submitted that now the petitioner is unable to attend the Court in Kumbakonam due to the life threat extended by the in-laws of the petitioner and by the family of the respondent/wife. Now, the petitioner is residing along with his family members at Kannur, Kerala State, which is nearly 554 Kms from Kumbakonam, and hence, the petitioner seeks withdrawal and transfer the case from the file of Principal Sub Court, Kumbakonam, to the Family Court, Coimbatore, on the ground of serious life threat to him and his family members. Therefore, he prayed a direction to complete the entire process in the above original petition.

4. None appeared on behalf of the respondent.

5. In view of the above submission made by the learned counsel for the petitioner/husband as well as the serious life threat to the petitioner and his family members, this Court is inclined to allow this petition.



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Accordingly, H.M.O.P.No. 137 of 2021 on the file of Principal Sub Court, Kumbakonam, is hereby withdrawn and transfer the same to the Family Court, Coimbatore.

6. Further, the Family Court, Coimbatore, is directed to complete the trial and dispose of the proceedings in H.M.O.P.No. 137 of 2021 within a period of six months without giving any unnecessary adjournments from the date of receipt of a copy of this order. While the petitioner is attending the case at Coimbatore, if the petitioner faces any life threat he is at liberty to seek police protection by filing appropriate application before the Court below.

7. This Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

19.07.2023

Index:Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

MSM



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To

1. The Principal Sub Court, Kumbakonam.

2. The Family Court, Coimbatore.



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V.BHAVANI SUBBAROYAN, J.

MSM

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