



*Tr.C.M.P(MD)Nos.128 of 2022
and Tr.C.M.P(MD).Nos.365 and 345 of 2021*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.128 of 2022
and Tr.C.M.P(MD).Nos.365 and 345 of 2021
C.M.P(MD)Nos.2461 of 2022
C.M.P(MD).Nos.6992, 7400 and 8377 of 2022

Tr.C.M.P(MD).No.128 of 2022

M.Senthilkumar ...Petitioner/Petitioner
Vs.,

P.S.D.Saravana Hari Devi ... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.981 of 2021 on the file of the Family Court, Madurai and transfer the same to the Family Court, Salem for trial.

For Petitioner : Ms.G.K.Chitradevi
For Respondent : Mr.S.Rajasekar

Tr.C.M.P(MD).No.365 of 2021

M.Senthilkumar ...Petitioner/Respondent
Vs.,

P.S.D.Saravana Hari Devi ... Respondent/Petitioner



*Tr.C.M.P(MD)Nos.128 of 2022
and Tr.C.M.P(MD).Nos.365 and 345 of 2021*

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the M.C.No.101 of 2013 from the file of the Family Court, Madurai and to transfer the same to the file of the Family Court, Salem for trial.

For Petitioner : Ms.G.K.Chitradevi
For Respondent : Mr.S.Rajasekar

Tr.C.M.P(MD).No.345 of 2021

M.Senthilkumar ...Petitioner
Vs.,
P.S.D.Saravana Hari Devi ... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw M.C.No.164 of 2019 from the file of the Family Court, Madurai and to transfer the same to the file of the Family Court, Salem for trial.

For Petitioner : Ms.G.K.Chitradevi
For Respondent : Mr.S.Rajasekar

COMMON ORDER

The present transfer civil miscellaneous petitions have been filed by the husband seeking to transfer H.M.O.P.No.981 of 2021, M.C.No. 101 of 2013 and M.C.No.164 of 2019 all pending before the Family Court, Madurai, to be transferred to Family Court, Salem for trial.



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2. As far as H.M.O.P.No.981 of 2021 (renumbered F.C.O.P.No. 315 of 2017), the same was originally filed by the husband before the Family Court, Salem and the wife had filed an application in Tr.C.M.P.No.426 of 2017 and got it transferred to Family Court, Madurai by way of an order dated 21.01.2019.

3. However, the learned counsel appearing for the petitioner/husband submitted that the relatives of the respondent/wife had attacked the petitioner in the year 2020, after the orders passed in the transfer petition. Therefore, he apprehends threat to his life whenever he appears in Madurai. Therefore, these petitions have been filed seeking to transfer all the matters to Family Court, Salem.

4. Per contra, the learned counsel appearing for the respondent/wife had contended that wife is a permanent resident of Madurai and only at her request, these cases have been transferred to Family Court, Madurai. He also disputed the allegations made on the side of the husband. He further contended that FIR as against the wife and her relatives has been closed as 'Mistake of Fact'.



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5. Considering the fact that the husband has sustained grievous head injuries and he has been advised by the Doctor not to travel for a long distance, this Court is inclined to pass the following order:

'If the cases viz., H.M.O.P.No.981 of 2021, M.C.No. 101 of 2013 and M.C.No.164 of 2019 pending before the Family Court, Madurai, are transferred to the Family Court, Salem, it would cause great difficulties to the wife. However, the husband feeling difficulty to appear before the Family Court, Madurai, the learned Judge, Family Court, Madurai, is directed not to insist upon the personal appearance of the petitioner/husband, unless his appearance is compulsorily required. Incase if his personal appearance is compulsorily required, the husband may be enquired through video conferencing. If any such application is filed, the same shall be positively considered by the learned Judge, Family Court, Madurai.

6. With the above observation, these Transfer Civil Miscellaneous Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.03.2023

NCC : Yes / No
Index : Yes / No
Rmk



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To

- 1.The Judge, Family Court, Madurai.
- 2.The Judge, Family Court, Salem.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
Tr.C.M.P(MD)No.128 of 2022
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