



Tr.CMP(MD)No.142 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Tr.CMP(MD)No.142 of 2023 &
C.M.P(MD)No.3250 of 2023

Sindujagaayathiri

... Petitioner

Vs.

Ravi

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.210 of 2022 pending on the file of the Principal Subordinate Court, Dindigul and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.A.Raja

For Respondent : Mr.P.Manikandan



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ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.210 of 2022 pending on the file of the Principal Subordinate Court, Dindigul to the Family Court, Madurai.

2. The marriage between the petitioner and the respondent appears to have been solemnized on 07.06.2020 and they are blessed with a minor child.

3. The case of the petitioner is that the family of the respondent demanded dowry and therefore, she lodged a complaint against the respondent and his family members. The respondent has filed an Application for Restitution of Conjugal Rights before the Subordinate Court, Dindigul in H.M.O.P.No.56 of 2021. The petitioner appears to have approached this Court on an earlier occasion in Tr.C.M.P.(MD)No. 264 of 2022. This Court by order dated 20.07.2021, directed the transfer of H.M.O.P.No.56 of 2021 to the Family Court, Madurai. However, the



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respondent failed to appear before the Court. It appears that due to family intervention, the petitioner has joined with the respondent. However, thereafter, problems are surfaced, which has led to filing of complaints against each other before different Police Station. The respondent and his family members have filed a police complaint before Theni Police Station, which has been acknowledged in FIR.No.346 of 2022 dated 12.10.2022. The petitioner has also filed a complaint against the respondent and his family members. The Police complaint given by the petitioner was however closed on 26.03.2021 as evident from the reading of the order passed on 08.02.2022 in CrI.O.P.(MD)No.9298 of 2021. The fact remains that the petitioner is residing with her parents and is taking care of her minor child.

4. Considering the above, I am inclined to allow this Transfer Civil Miscellaneous Petition. H.M.O.P.No.210 of 2022 pending on the file of the Principal Subordinate Court, Dindigul is transferred to the file of the Family Court, Madurai. It is made clear that, in case, the members of the petitioner's family are found indulging in any violence against the



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respondent, the case will be transferred to a neutral location. With the above observations, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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C.SARAVANAN, J.

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