



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.169 of 2023

and

C.M.P.(MD).No.3717 of 2023

V.Thimmamal @ Vikashinee

... Petitioner/
Respondent

Vs.

K.T.PremSankar @ Premnivas

... Respondent/
Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to transfer the H.M.O.P.No.170 of 2021 on the file of the learned Subordinate Judge, Virudhunagar and the same may be transferred to the learned Family Court, Madurai.

For Petitioner

:Mrs.Porkodi Kannan
for M/s.Polax Legal solution

For Respondent

:Mr.R.Aravindan

ORDER

The Transfer Civil Miscellaneous Petition is filed to transfer the H.M.O.P.No.170 of 2021 on the file of the learned Subordinate Judge,



Virudhunagar and the same may be transferred to the learned Family Court, Madurai.

WEB COPY

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3. The learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 01.06.2017. Out of their wedlock, they were blessed with a male child. Due to some misunderstanding arose between them, the respondent/husband filed a petition in H.M.O.P.No.170 of 2021 before the Subordinate Court, Virudhunagar, for divorce. The learned counsel further submitted that now the petitioner is residing in Dubai. In order to transfer the HMOP filed by the respondent, the petitioner filed a transfer application before this Court in Tr.C.M.P(MD)No.425 of 2022 and interim stay was granted in her favour. Thereafter, on 17.10.2022 the said Tr.C.M.P was dismissed by recording the statement of the respondent that the petitioner was contesting the case through power agent. Challenging the said order, the petitioner filed an appeal before the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No(s).3375 of 2023. The said appeal was dismissed on 13.02.2023 with liberty to approach this Court by pointing out the false statement made



by the respondent. Hence, she filed the present petition.

WEB COPY

4. In the meantime, the petitioner filed a maintenance petition in M.C.No.20 of 2022 before the Additional Chief Judicial Magistrate Court, Madurai and the same is pending. The petitioner's life is in danger, if she enters into Virudunagar Town for attending the Court hearings.

5. On perusal of the averments made in the Transfer Civil Miscellaneous Petition, it is seen that the petitioner has not averred sufficient reason for seeking transfer. Further, this Court is of the view that to wreak vengeance, the petitioner has filed petitions one after another against the husband and hence, there is no merit in the transfer petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. However, the personal appearance of the petitioner is dispensed with and the petitioner is directed to appear before the Subordinate Court, Virudhunagar as and when her presence is required by the Court below.

7. Since the H.M.O.P is pending for more than 3 years, this Court directs the Subordinate Court, Virudhunagar, to dispose the H.M.O.P.No.170 of 2021, on merits and in accordance with law, without giving unnecessary adjournments, as expeditiously as possible, within a period of six months



from the date of receipt of a copy of this order. No costs. Consequently,
connected miscellaneous petition is closed.

WEB COPY

07.08.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

Ns

To

1.The Subordinate Judge,
Virudhunagar.

2.The Family Court,
Madurai.

3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY

5



K.GOVINDARAJAN THILAKAVADI, J.

Ns

Tr.C.M.P(MD)No.169 of 2023
and
C.M.P.(MD).No.3717 of 2023

07.08.2023