



Tr.C.M.P(MD)No.215 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.215 of 2023

and

C.M.P(MD)No.4606 of 2023

Nandhini

...Petitioner

Vs.

T.R.Prabha Kathir

...Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case in O.P.No.2 of 2021 on the file of the District Court, Thiruvarur to the District Court, Theni.

For Petitioner : Mr.C.Ezhilarasu

For Respondent : Mr.A.Arun Prasad

ORDER

The present transfer civil miscellaneous petition has been filed to transfer O.P.No.2 of 2021 from the file of the District Court, Thiruvarur to the file of the District Court, Theni.



2. In the affidavit filed in support of the petition, the petitioner has given the address as "No.6/268, Sinthiiy Amman Kovil Street, Periyakulam, Lakshmipuram, Alagapuri, Theni-625 523". A reading of the O.P. filed by the respondent indicate that the respondent is residing at Thiruvarur and the petitioner is residing at Trichy. A further reading of the complaint given by the petitioner indicate that the petitioner is residing at Theni. The Aadhar Card of the petitioner also indicate that the petitioner is a resident of Theni District.

3. In the affidavit filed in support of the petition, the petitioner has expressed her apprehension as follows:

"6. I submit that I was very afraid to go and to attend the case in Thiruvarur District. Because the respondents and his associates are giving life threaten to me. Hence I am given a complaint to the Superintendent of Police, Tiruvarur for giving protection when I am coming to Court for attending the case in O.P.No.2 of 2021 on the file of the Principal District Court, Thiruvarur.

7. I submit that the respondent and the family members are giving life threat and abusing me with filthy language and thereby stalled me from attending the Court proceedings in O.P.No.2 of 2021 on the file of the Principal District Court, Thiruvarur. Hence it is just and essential to stay all further proceedings in connection with the case in O.P.No.2 of 2021 on the file of the Principal District Court, Thiruvarur. I pleaded this Hon'ble Court may please to treat the counter affidavit filed in the Original Petition in O.P.No.2 of 2021 may be treated as part and parcel of this affidavit."



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4. Although the learned counsel for the respondent submits that the case can be transferred to Family Court or District Court, Trichy, I do not find any merits in the submission made on behalf of the respondent. There is no point in directing both the parties to appear before the Family Court or District Court, Trichy.

5. Considering the above, the present Transfer Civil Miscellaneous Petition stands disposed of by transferring O.P.No.2 of 2021 from the file of the District Court, Thiruvarur to the file of the Family Court, Theni. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The District Court,
Thiruvarur.
- 2.The Family Court,
Theni.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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