



Tr.C.M.P(MD)No.227 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.227 of 2023

and

C.M.P(MD)No.4884 of 2023

Dr.K.S.Nivethitha

... Petitioner/Respondent

-Vs-

Dr.T.Prithivi Raj

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.280 of 2022 from the file of the learned Subordinate Court at Pollachi and to transfer the same to the file of the learned Subordinate Court, Paramakudi or to any other competent Court at Paramakudi.

For Petitioner : Mr.S.Vasantha Yugesh

For Respondent : Mr.K.Santhana Raja



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ORDER

This Petition has been filed for a direction to withdraw the case in H.M.O.P.No.280 of 2022 from the file of the learned Subordinate Court at Pollachi and to transfer the same to the file of the learned Subordinate Court, Paramakudi or to any other competent Court at Paramakudi.

2.The learned counsel appearing for the respondent submitted that the respondent has no objection for transferring the H.M.O.P.No.280 of 2022, however, submits that the case may be transferred to the Family Court, Madurai, as there is a threat to the life and liberty of the respondent.

3.It is submitted that a criminal complaint is also pending against the petitioner and her parents in Tumkur, where the respondent is currently pursuing P.G.course in Medical College.

4.I have considered the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent.



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5.The marriage between the petitioner and the respondent was solemnized on 11.11.2021. They have blessed with a female child on 27.08.2022. However, the respondent has filed H.M.O.P.No.280 of 2022, before the Sub-Court, Pollachi, to dissolve the marriage.

6.Considering the fact that the petitioner is aged about only 26 years and she is depending on her parents and she is taking care of new born 8 months baby, I am inclined to allow this transfer civil miscellaneous petition by ordering transfer of H.M.O.P.No.280 of 2022 pending on the file of the Sub-Court, Pollachi to the Sub-Court, Paramakudi as prayed for, as no useful purpose would be served by transferring the case to the Sub-Court or the Family Court, Madurai as neither all the parties are from Madurai.

7.With the above direction, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2023

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

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C.SARAVANAN, J.

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To:

- 1.The Subordinate Court,
at Pollachi.
- 2.The Subordinate Court,
Paramakudi
- 2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

Tr.C.M.P(MD)No.227 of 2023

and

C.M.P(MD)No.4884 of 2023

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