



TR.C.M.P.(MD) No.271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.271 of 2022

and

C.M.P.(MD) No.4628 of 2022

P.Tamilarasi

... Petitioner

Vs.

R.Senthilkumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908, to withdraw the case on the file of the Family Court, Erode in F.C.O.P.No.326 of 2021 and transfer the same to the Family Court, Karur and try along with the case in H.M.O.P.No.178 of 2021.

For Petitioner : Mr.L.Prabakaran

For Respondent : Mr.P.Samuel Gunasingh

ORDER

Transfer Civil Miscellaneous Petition has been filed to transfer the F.C.O.P.No.326 of 2021 from the Family Court, Erode to the Family



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Court, Karur for being tried along with H.M.O.P.No.178 of 2021 filed by the petitioner.

2. In the affidavit filed in support the present Transfer Civil Miscellaneous Petition, the petitioner has stated that she is unemployed and is taking care of girl child aged about 9 years and that she has no means to support herself.

3. The present Transfer Civil Miscellaneous Petition is opposed on behalf of the respondent by the learned counsel for the respondent on the ground that the petitioner and her father had resorted to physical attack the respondent and his mother who was also injured. It is submitted that there will be a threat to the life of the respondent in case F.C.O.P.No.326 of 2021 is transferred from the Family Court, Erode to the Family Court, Karur and therefore, the case may be transferred, if at all, to a neutral venue i.e., to Sub Court, Tiruchencode.

4. I have considered the arguments advanced by the learned counsel for the petitioner and the respondent.



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WEB COPY 5. There is no point in transferring the case to an alien location where both parties will be forced to travel. The petitioner is a 43 aged woman and has no income. Further, the petitioner is also interested in rejoining the respondent as the petitioner herself has filed H.M.O.P.No. 178 of 2021 for restitution of conjugal rights.

6. Considering the fact that the petitioner is supporting and also is taking care of a minor child aged about 9 years and depends on her parents, I am of the view that this is a fit case for transferring F.C.O.P.No. 326 of 2021 filed by the respondent before the Family Court, Erode to the Family Court, Karur for being tried along with H.M.O.P.No.178 of 2021 filed by the petitioner. Therefore, F.C.O.P.No.326 of 2021 is directed to be transferred from the Family Court, Erode to the Family Court, Karur for being tried along with H.M.O.P.No.178 of 2021 filed by the petitioner.

7. In case the respondent experiences any threat to his life and liberty, it is open for the respondent to seek police protection.



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C.SARAVANAN, J.

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8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

16.06.2023

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

- 1.The Family Court, Erode.
- 2.The Family Court, Karur.

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