



*Tr.C.M.P(MD)No.306 of 2021*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2023**

CORAM

**THE HON'BLE MR.JUSTICE C.SARAVANAN**

**Tr.C.M.P(MD)No.306 of 2021**  
**and**  
**C.M.P(MD)No.6420 of 2021**

Shoba Maheswari

... Petitioner/  
Petitioner

Vs.

Kannan

... Respondent/  
Petitioner

**PRAYER :** Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.74 of 2021 on the file of the Subordinate Judge's Court, Thiruchendur and to transfer the same case to the learned Family Judge Court, Nagercoil for further proceedings.

For Petitioner : M/s.Ramya  
For Mr.S.Seenivasan

For Respondent : Mr.M.S.Jeya karthick  
For Mr.N.Ramesh Arumugam



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**ORDER**

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The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.74 of 2021 on the file of the Subordinate Court, Thiruchendur to the Family Court, Nagercoil.

2. The petition is opposed by the respondent/husband on the ground that the petitioner herself has filed O.S.No.34 of 2021 to attach the properties of the respondent in Thiruchendur and therefore the present transfer civil miscellaneous petition is liable to be dismissed. That apart, it is submitted that the respondent is willing to pay for the conveyance to the petitioner on the dates when the case was listed before the Subordinate Court, Thiruchendur.

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

4. This Court is inclined to allow the present Transfer Civil Miscellaneous Petition by directing transfer of H.M.O.P.No.74 of 2021 from Subordinate Court, Thiruchendur to the Family Court, Nagercoil. It is made clear that the petitioner or her relative should not indulge in any



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violence against the respondent. It is open for the respondent to approach this Court for obtaining suitable orders for police protection in case the respondent apprehends any danger from the petitioner's family.

5. Considering the fact that the petitioner has also filed O.S.No.34 of 2021 for seeking maintenance against the respondent, O.S.No.34 of 2021 is also directed to be transferred to Family Court, Nagercoil.

6. With the above observations, the present Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**10.03.2023**

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

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To

1.The Subordinate Court, Thiruchendur.

2.The Family Court, Nagercoil.

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

**C.SARAVANAN ,J.**



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