



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.274 of 2023

and

C.M.P(MD)No.6297 of 2023

Sarikabharathy

... Petitioner/Respondent Wife

-Vs-

Sureshpandian

... Respondent/Petitioner-Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w. 151 C.P.C., praying to withdraw the case in H.M.O.P.No.110 of 2023 on the file of the learned Family Court, Theni and transfer the same to the learned Family Court, Madurai.

For Petitioner : Mr.S.Vikram

For Respondent : No appearance

ORDER

There is no representation on behalf of the respondent, despite notice being served and name being printed in the cause list.

2.This Petition is filed to transfer the H.M.O.P.No.110 of 2023 pending on the file of the Family Court, Theni, to the Family Court, Madurai.

3.The petitioner is a resident of Madurai. Whereas, the respondent is a resident of Theni District and therefore, the respondent has filed H.M.O.P.No.110 of 2023 before the Family Court, Theni.

4.In the affidavit filed in support of the petition, the petitioner has stated as follows:

"8. I further submit that, under those circumstances, my husband abused me continuously and hence he made me to drive out from my matrimonial



home. Now, I am residing in my parental house Thirunagar, Madurai District. My livelihood depends upon the meager income derived by my parents. Myself and my parents are doing expenditure for the food, medicine of my son.

9. I humbly submit that after sent out me from the matrimonial house, the above-named Respondent/Petitioner, has filed an Original Petition in H.M.O.P.No.110 of 2023 before the learned Family Court, Theni, seeking the relief of Divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 on the grounds by leveling several untenable allegations against me that obviously establishes the above-named Respondent's crookedness and preparedness for an escapade from his liability towards me and my son. That the above-named Respondent has leveled several disgusting allegations against me, which I could challenge on trial and I am capable to disprove the same.

10. I humbly submit that the above case has been posted for further hearing on 17.05.2023 before the learned Family Court, Theni. Hence, there is an urgency to file this Transfer Civil Miscellaneous Petition before this Hon'ble Vacation Court.

11. I humbly submit that the distance from the Thoothukudi to Thanjavur is nearly 75 Km., and I am facing severe threat on the part of my husband and my life is in danger. I further submit that, since I am a single woman, it is not possible for me to attend all the Court hearings at Theni, since it is 75 Km away from my residing place.

12. I humbly submit that I have my son who is 3 years old and requires my care and protection every moment and it is too arduous for my son to be taken along with me for a far distance.

13. I humbly submit that the case in the above H.M.O.P.No.110 of 2023 on the file of the learned Family Court, Theni, is posted for my further appearance on 17.05.2023, considering my inability to appear before the Court, it is quintessential that the proceedings in H.M.O.P.No.110 of 2023 on the file of the learned Family Court, Theni, need to be stayed, if not the case may be decreed ex-parte."

5. Being satisfied with the reasons given in the affidavit, the Court is inclined to order the transfer as prayed for. Accordingly, there shall be a direction to transfer the H.M.O.P.No.110 of 2023 pending on the file of the Family Court, Theni, to the Family Court, Madurai. The Family Court, Madurai



Tr.C.M.P(MD)

23



shall endeavour to dispose of the H.M.O.P.No.110 of 202 is renumbered, as expeditiously as possible.

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

WEB COPY

Sd/-

Assistant Registrar(AE)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)

NS

To:

1.The Judge, Family Court Court,
Theni.

2.The Judge, Family Court,
Madurai.

COPY TO:

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

+1 CC to M/s.S.VIKRAM, Advocate (SR-29888[F] dated 22/06/2023)

Tr.C.M.P(MD)No.274 of 2023

and

C.M.P(MD)No.6297 of 2023

20.06.2023

MK/10.07.2023 3P 6C