



Tr.C.M.P(MD)No.376 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.376 of 2021

and

C.M.P(MD)No.7493 of 2021

S.Ushadevi

...Petitioner/
Respondent

Vs.

V.Kathiravan

...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.1127 of 2021 on the file of the Family Court, Coimbatore and transfer the same to the Family Court, Thoothukudi.

For Petitioner : Mr.C.Jeganathan

For Respondent : No Appearance

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.1127 of 2021 on the file of the Family Court, Coimbatore to the Family Court, Thoothukudi.



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2. The notice taken on the respondent was returned with an endorsement "Addressee cannot be located", though the address given by the petitioner was furnished in H.M.O.P.No.1127 of 2021 on the file of the Family Court, Coimbatore.

3. In view of the above, this Court had permitted the petitioner to serve notice on the learned counsel, who represents the interest of the respondent before the Family Court, Coimbatore in H.M.O.P.No.1127 of 2021. The notice has been served on the learned counsel, who represents the respondent before the Lower Court. Despite the same, there is no representation on behalf of the respondent.

4. The petitioner in her affidavit filed in support of the petition stated as follows:

" 8.I further submit that as there is a serious threat at the hands of my husband now I am residing with my parents at Thoothukudi. If I am going to attend the case in Coimbatore itself, it will be a better opportunity for my husband to threaten me for putting a full stop to my life. More so, now I depend on with my old age parents only. The respondent had taken many attempts to my life threat for which I had given a complaint and the same was registered in Crime No.22 of 2020 and the same is pending. Therefore, I am finding several difficulties including stay at Coimbatore for defending the case at Coimbatore. Moreover being a lady, it is not possible to make



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visits from Thoothukudi to Coimbatore lonely for travelling 720 Km up and down. The respondent should take the jurisdiction to file the case before Family Court by mention that I had filed already a DVOP case in Thoothukudi and the respondent is attending the said case, therefore there is no prejudice to the respondent in transferring the HMOP case to Thoothukudi."

5. Being satisfied with the reasons given in the affidavit filed in support of the petition, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.1127 of 2021 on the file of the Family Court, Coimbatore to the Family Court, Thoothukudi. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2023

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

1.The Family Court, Coimbatore.

2.The Family Court, Thoothukudi.

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



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C.SARAVANAN ,J.

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