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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 23.08.2023

Delivered on 29.09.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

Tr.C.M.P(MD)No.391 of 2023

and

C.M.P(MD)No.8271 of 2023

Ramkumar

... Petitioner/Respondent

Vs.

Aswini

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.14 of 2023 pending on the file of the learned Sub-Court, Harur, Dharmapuri District and transfer the same to the file of any competent Sub-Court, between the Harur, Dharmapuri District and Theni District by considering the convenience of the petitioner and the respondent.

For Petitioner

:Mr.C.M.Arumugam

For Respondent

:Mr.K.Karpagam

**ORDER**

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The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.14 of 2023 pending on the file of the learned Sub-Court, Harur, Dharmapuri District and transfer the same to the file of any competent Sub-Court, between the Harur, Dharmapuri District and Theni District by considering the convenience of the petitioner and the respondent.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and also perused the materials available on record.

3.The learned counsel appearing for the petitioner/husband would submit that the marriage between the petitioner and the respondent was solemnized on 18.10.2020 and out of their wedlock, the respondent got pregnant. While so, the respondent demanded a separate house which should be purchased by the respondent in her name and further a sum of Rs. 50,000/- to be given to her parents every month and also the husband should arrange a job for her brother. The petitioner was unable to take a decision over the demands of the respondent. On her compulsion, the petitioner left the respondent at her parental home, on 30.01.2021. All of a sudden, without any valid reason, the respondent aborted the womb and severed all



her verbal communication with him since 30.01.2021. Thereafter, the petitioner took efforts for reunion, but all ended in vain. The petitioner having no other option filed a petition in H.M.O.P.No.437 of 2022 before the Family Court, Theni, for divorce, wherein the respondent entered appearance. Pursuant to which, the respondent filed a petition in H.M.O.P.No.14 of 2023 before the Sub-Court, Harur, for the relief of restitution of conjugal rights.

4.In such circumstances, the respondent herein filed a Transfer Civil Miscellaneous Petition in Tr.C.M.P(MD)No.225 of 2023 before this Court to transfer the H.M.O.P.No.437 of 2022 from the file of the Family Court, Theni to the file of the Sub-Court, Harur. This Court, by order dated 06.06.2023, allowed the said Tr.C.M.P and transferred the H.M.O.P.No.437 of 2022 from the file of the Family Court, Theni to the file of the Sub-Court, Harur, Dharmapuri District. The petitioner finds it difficult to attend the case in H.M.O.P.No.14 of 2023 at Harur and the distance between Harur, Dharmapuri District and Theni District is approximately 400 kms. Further, the petitioner's life is in danger, if he enters into Harur for attending the Court hearings. Hence, the present petition is filed.

5.In such circumstances, there is no findings that there is a threat to the life of the revision petitioner. Therefore, the revision petition preferred



by the petitioner/husband is devoid of merits. Accordingly, this Tr.C.M.P is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

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29.09.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Sub-Court,

Harur,

Dharmapuri District

2.The Family Court,

Then.

3.The Section Officer,

V.R.Section,

Madurai Bench of Madras High Court,

Madurai.



K.GOVINDARAJAN THILAKAVADI, J.

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