

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM

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

Tr.C.M.P(MD)Nos.394 and 395 of 2023
and
C.M.P.(MD).Nos.8282 and 8284 of 2023

R.Sathiyarayanan

... Petitioner/
Respondent in both Tr.C.M.Ps

Vs.

H.Seethalakshmi

... Respondent/
Petitioner in both Tr.C.M.Ps

Transfer Civil Miscellaneous Petitions are filed under Section 24 of Civil Procedure Code, to withdraw and transfer the above M.C.No.6 of 2023 and H.M.O.P.No.235 of 2022 from the file of the learned Family Court, Karur to the learned Family Court, Trichy and dispose the same in accordance with law.

For Petitioner in both
Tr.C.M.Ps :Mr.B.Jameelarasu

For Respondent in both
Tr.C.M.Ps :Mr.K.Suresh

COMMON ORDER

These Transfer Civil Miscellaneous Petitions are filed to withdraw and transfer the M.C.No.6 of 2023 and H.M.O.P.No.235 of 2022 from the

file of the learned Family Court, Karur to the learned Family Court, Trichy and dispose the same in accordance with law.

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.According to the petitioner/husband, the marriage between the petitioner and the respondent was solemnized on 14.05.2021. During January 2022, the respondent/wife, without any valid reason, left the matrimonial home and living with her parents. Further it is stated that the respondent/wife issued a legal notice to the petitioner with false and vexatious allegations against him, which was suitably replied by the petitioner herein. Thereafter, the respondent/wife filed H.M.O.P.No.235 of 2022 before the Family Court, Karur, for divorce. During the pendency of the above said petition, the respondent/wife filed M.C.No.6 of 2023 before the Family Court, Karur, for maintenance, in which, the petitioner has filed detailed counter denying all the averments made by the respondent/wife. Further, it is stated that the petitioner being a dutiful husband has made all attempts to settle the issue amicably and reunion with his wife. But, all such efforts were ended in vain.

4.In such circumstances, while the petitioner/husband attended the Court, the respondent/wife has threatened him with dire consequences, with the aid of henchmen. Therefore, the petitioner/husband is facing a life threat at the hands of the respondent/wife. Hence, he lodged a complaint before the Inspector of Police, Thanthonimalai Police Station, for which, the police issued CSR No.216/2023 and the same is pending for enquiry. Hence, the present civil revision petition is filed.

5.The learned counsel appearing for the petitioner would submit that there is a life threat to the petitioner and therefore, it would be more inconvenient to him to appear before the Family Court, Karur. Hence, he prays for transferring the case.

6.On the other hand, the learned counsel appearing for the respondent/wife would submit that the allegation stated in the affidavit is false and only for the sake of transfer of the case from Karur to Trichy, the above allegation is levelled. He would further submit that as per the guidelines given by the Hon'ble Supreme Court, the convenience of the wife shall be given preference and the matter is transferred from the Family Court, Karur to the Family Court, Trichy, it will create hardship to both the husband and wife. Hence, she prays for dismissal of theses petitions.

7.As per the guidelines issued by the Hon'ble Supreme Court, the convenience of the wife is considered and it would be difficult for the respondent/wife to travel from Karur to Trichy. Therefore, though the convenience of both parties has to be considered, the petitioner has not given any valid reason for transferring the case from the Family Court, Karur to the Family Court, Trichy. Moreover, the complaint lodged by the petitioner only CSR has been issued and FIR has not been registered.

8.Considering all these facts, the Transfer Civil Miscellaneous Petitions are dismissed. However, the personal appearance of the petitioner for routine hearing is dispensed with before the Family Court, Karur. The petitioner shall appear before the Court as and when ever the presence of the petitioner is required as per the direction of the Family Court, Karur. Further, the Family Court, Karur to dispose the matter on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2023

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

To

1.The Family Court,
Karur

2.The Family Court,
Karur.

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

K.GOVINDARAJAN THILAKAVADI, J.

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