



TR.C.M.P.(MD) No.413 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.09.2023

CORAM

THE HO'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

TR.C.M.P.(MD) No.413 of 2023

and

C.M.P.(MD) No.8588 of 2023

1.Kanniyappan

2.Vallinayagi

... Petitioners

Vs.

1.S.Prabha

2.P.K.Parthasarathy

... Respondents

Prayer:- This Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw D.V.C.No.18 of 2023 on the file of the Additional Mahila Court, Pudukottai and transfer the same to the file of the Additional Mahila Court, Trichy.

For Petitioners : Mr.T.Lenin Kumar

For R1 : Mr.R.Maheswaran

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioners for transfer of D.V.C.No.18 of 2023 from the file of the



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Additional Mahila Court, Pudukottai to the file of the Additional Mahila Court, Trichy.

2. The respondents are the wife and husband. The petitioners are the parents-in-law of the first respondent and the parents of the second respondent. The marriage was solemnized between the respondents on 28.01.2007 and out of wedlock, a male child and a female child were born. Due to the some matrimonial discord, the respondents are living separately.

3. Thereafter, the second respondent/husband filed H.M.O.P.No. 250 of 2020 before the Family Court, Dindigul for dissolution of marriage solemnized between the respondents on 28.01.2007. Meantime, the first respondent/wife filed H.M.O.P.No.22 of 2021 before the Principal Sub Court, Pudukottai for restitution of conjugal rights

4. Thereafter, the first respondent/wife filed Tr.C.M.P.(MD) No.10 of 2021 before this Court for transfer of H.M.O.P.No.250 of 2020 from the Family Court, Dindigul to the Principal Sub Court, Pudukottai. *Vide* order dated 18.06.2021, H.M.O.P.No.250 of 2020 was directed to be



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transferred to an intermediate place i.e. the Family Court, Trichy and was re-numbered as H.M.O.P.No.345 of 2021.

5. Thereafter, for joint trial, the second respondent/husband filed Tr.C.M.P.(MD) No.277 of 2021 before this Court for transfer of H.M.O.P.No.22 of 2021 filed by the first respondent/wife before the Principal Sub Court, Pudukottai for restitution of conjugal rights to the Family Court, Trichy which was allowed and the H.M.O.P. filed by the first respondent/wife was transferred to the Family Court, Trichy.

6. Subsequently, the first respondent/wife filed G.W.O.P.No.121 of 2021 before the Principal District Court, Dindigul to appoint her as legal guardian of the minor children and also to direct the second respondent/husband to hand over the minor children to the first respondent/wife. To avoid multiplicity of Judgments, the second respondent/husband again filed Tr.C.M.P.(MD) No.176 of 2022 before this Court for transfer of G.W.O.P. from Principal District Court, Dindigul to the Family Court, Trichy where already both H.M.O.P are pending. The Tr.C.M.P. was allowed and G.W.O.P. was transferred to the Family Court, Trichy and renumbered as G.W.O.P.No.121 of 2021.



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7. Now, the first respondent/wife filed D.V.C.No.18 of 2023 before the Additional Mahila Court, Pudukottai against the second respondent/husband and the petitioners herein who are her parents-in-law. The petitioners filed the present Transfer Civil Miscellaneous Petition for transfer of D.V.C.No.18 of 2023 from the Additional Mahila Court, Pudukottai to the Additional Mahila Court, Trichy.

8. It is submitted that it is very difficult for the petitioners to attend the hearing at Pudukottai and H.M.O.Ps. filed by the first and second respondents respectively and the G.W.O.P. filed by the first respondent/wife are pending before the Family Court, Trichy and if the D.V.C. proceedings is allowed to go ahead at Pudukottai, all parties should run from pillar to post to attend the case at Trichy on one day and attend the case at Pudukottai on the other day.

9. It is further submitted that the first respondent's brother has made a life threatening to the petitioners at Pudukottai and therefore, they lodged a complaint before the Inspector of Police, Vadamadurai and same was registered in Crime No.108 of 2021 for the offence punishable under Sections 294(b) and 506(i) of the Indian Penal Code. It is further



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submitted that if the petitioners go to Pudukottai, the first respondent along with his family members will try to eliminate them.

10. It is further submitted that the petitioners are senior citizens and they crossed the age of 70 years and cannot travel such a long distance in a single day. It is further submitted that in order to avoid multiplicity of Judgments, D.V.C. may transferred from the file of the Additional Mahila Court, Pudukottai to the Additional Mahila Court, Trichy.

11. Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

12. Already two H.M.O.Ps. and one G.W.O.P. are pending before the Family Court, Trichy. If D.V.C. proceedings are permitted to be continued at Pudukottai, it will be inconvenient for both parties to attend Court proceedings at two different places. Therefore, considering the age of the petitioners and considering the above facts and circumstances of the case, D.V.C.No.18 of 2023 is directed to be transferred from the file of the Additional Mahila Court, Pudukottai to the file of the Additional Mahila Court, Trichy.



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WEB COPY 13. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

15.09.2023

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

- 1.The Judge, Additional Mahila Court,
Pudukottai.
- 2.The Judge, Additional Mahila Court,
Trichy.



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K.GOVINDARAJAN THILAKAVADI, J.

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