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Tr.CMP.No.56 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.56 of 2024

and

C.M.P.No.1321 of 2024

P.Murugapandian

... Petitioner

Vs.

G.Jamuna

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.3973 of 2023, on the file of II Additional Family Court, Chennai and transfer the same to Subordinate Court at Perundurai.

For Petitioner : Mr.J.Prithivi

For Respondent : Mr.K.Prabhakaran

ORDER

The petitioner/estranged husband of the respondent/wife sought for transfer of HMOP No.3973 of 2023, which is pending before II Additional Family Court to Subordinate Court, Perundurai.



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2. The contention of the petitioner is that the petitioner is estranged husband and the respondent is his wife. The marriage between the petitioner and the respondent took place on 26.01.2007 at Vinayagar Temple, Chennimalai and out of their wedlock, a female child born to them named Latchanasri on 28.03.2009 and thereafter matrimonial discord arose between them. Further, he submitted that the respondent/wife projected a false case against the petitioner/husband as though he failed to discharge his duties as a husband and father to the child and he is a drunkard and inflicted physical and mental cruelty to the respondent/wife. Further, the petitioner/husband humiliated her aged parents of the respondent in the presence of her relatives. The respondent/wife employed in Chennai and taken the jurisdiction of Chennai and filed the divorce petition. Infact, the respondent/wife family members and parents are residing in Chennimalai. The petitioner/husband admitted that he is taking care of his daughter from her birth and she is studying X standard at KVM Higher Secondary School, Chennimalai. The respondent/wife seems to be only interest in her own carrier not for her family and hence, causing harassment and further the girl child is taken care by the petitioner/husband and for this reason, he sought



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for transfer.

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3.Today the respondent is present along with her counsel. The respondent submitted that after the marriage, the petitioner and the respondent were living together, the petitioner/husband projected that he is running a mechanic shop, considering his family background and his business, the marriage was accepted. Later it came to know that the petitioner/husband doing money lending business and he employs muscleman, which was objected by the petitioner. The petitioner seems to be money minded, neither taken care of the family nor shown love and affection for the family. Infact the respondent assaulted the petitioner on many occasion and even parents of the respondent also assaulted. Thereafter, the respondent who possessed Master Degree with her efforts got selected in Group-IV service, joined as Junior Assistant in Treasury Department, Chennai in the year 2016. Further, she continued her studies and now selected, as Group-I officer and posted as Deputy Registrar of Co-operative Societies. She took all several steps to call the petitioner/husband for reconciliation by considering the welfare of the daughter, but the petitioner/husband with his muscle and money power is



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forcibly keeping away the respondent/wife. The respondent's mother, who is sick staying along with her in Chennai for medical treatment and care.

The respondent failed to her efforts for reconciliation, constrained to file a divorce petition in HMOP.No.3973 of 2023, before the II Additional Family Court, Chennai. Further if the case is transferred, she has to travel to Perundurai, where the petitioner/husband is influential and she fears for her safety, objected to transfer the case to Sub-Court, Perundurai.

4.Considering the facts and circumstance of the case, the petitioner is residing in Chennai, being a lady, it is certain that she will face difficulties to travel from Chennai to Perundurai to attend the case and she objected for transferring the case and fearing for her life. Therefore, this Court dismisses this Transfer Civil Miscellaneous Petition. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

04.07.2024

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To

1.II Additional Family Court, Chennai



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M.NIRMAL KUMAR, J.

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