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Tr.CMP.Nos.211 & 1071 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.Nos.211 & 1071 of 2023
and
CMP.No.4604 & 25635 of 2023

Tr.CMP No.211 of 2023

1. A. Kathiresan

2. Kalaivani

3. SreeDeepika

4. Arunkumar

...

Petitioners

/vs/

Archana

SavaaniArumugam (died)

...

Respondents

Tr.CMP No.1071 of 2023

A. Kathiresan

...

Petitioners

/vs/



Tr.CMP.Nos.211 & 1071 of 2023

Archana

...

Respondent

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PRAYER in Tr.C.M.P.No.211 of 2023 : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the DVC No.16 of 2022 on the file of the Additional Mahila Court at Judicial Magistrate court Level, Karur and transfer the same to the Additional Mahila Court, Magistrate Court Level, Tiruppur.

PRAYER in Tr.C.M.P.No.1071 of 2023 : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the HMOP No.435 of 2023 on the file of the Family Court, Karur and Transfer the same to the Family Court, Tiruppur.

For Petitioners ... Mr.M. Guruprasad
in both

For respondents ... Mr. K.Suresh
in both

ORDER

Tr.CMP No.211 of 2023 has been filed to withdraw and transfer the case in DVC.No.16 of 2022 from the file of the Additional Mahila Court at Judicial Magistrate level, Karur to the Additional Mahila Court, Magistrate Level, Tiruppur.



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2. Tr.C.M.P.No.1071 of 2023 has been filed to withdraw and transfer the case in HMOP No.435 of 2023 on the file of the Family Court, Karur to the Family Court, Tiruppur.

3. The fact of the case is that the marriage between the first petitioner and the first respondent in Tr.C.M.P.No.211 of 2023 was solemnized on 10.02.2019 and they have one girl child, namely, Adhurri on 07.01.2020. Due to some misunderstanding, they were separated and the first respondent/wife had lodged a complaint before the Court against the first petitioner husband and in-laws and the same was taken on file as DVC No.16 of 2022 on the file of the Additional Mahila Court at Magistrate Level, Karur. He further submitted that even after taking steps for reunion, the first respondent/wife was not willing. Hence, the first petitioner/husband had filed a divorce petition in HMOP No.226 of 2022 on the file of the Family Court, Tiruppur, against which, the respondent/wife filed Tr.C.M.P.No.623 of 2022 to transfer the HMOP No.226 of 2022 from the Family Court, Tiruppur to the Family Court, Karur and the same was allowed on 16.09.2022. In view of the said order,



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HMOP No.226 of 2022 was transferred to Family Court, Karur and renumbered as HMOP No.78 of 2023 and it was dismissed for default on 20.06.2023. Thereafter, the first respondent/wife had filed a divorce petition in HMOP No.435 of 2023 on the ground of cruelty and desertion before the Family Court, Karur.

4. The learned counsel for the petitioners submitted that as the first respondent/wife is having political influence, there is a life threat to the petitioners. Hence, there is no safety for the petitioners to attend the case at Karur.

5. The learned counsel appearing for the first respondent/wife submitted that the D.V.C.No.16 of 2022 filed by the wife is pending on the file of the Additional Mahila Court, Judicial Magistrate Court Level, Karur, against which, the petitioners herein had filed a petition in CRP(PD) No.1497 of 2022 to quash the DVC No.16 of 2022, which was dismissed by the Madurai Bench of Madras High Court by its order dated 30.11.2022 and also directed to dispose the DVC No.16 of 2022 as



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expeditiously as possible, preferably, within a period of six months from the date of the receipt of copy of this order and hence, the first respondent/wife objected to transfer the cases to Tiruppur and seeks to dismiss the Transfer petitions.

6. I have considered the submissions made on both sides and perused the materials available on records carefully.

7. On perusal of records, it reveals that the first petitioner and the first respondent in Tr.C.M.P.No.211 of 2023 are husband and wife and they have one girl child, namely, Adhurri. Due to some misunderstanding, they were separated. Thereafter, the first respondent/wife had lodged a complaint against the first petitioner/husband and in-laws, which was taken on file as DVC No.16 of 2022 on the file of the Additional Mahila Court at Magistrate Level, Karur. Against the same, the first petitioner/husband had filed a divorce petition in HMOP No.226 of 2022 on the file of the Family Court, Tiruppur and based on the transfer petition filed by the first respondent/wife in Tr.C.M.P.No.623 of 2022, the same



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was transferred to Family Court, Karur and renumbered as HMOP No.78 of 2023 and it was dismissed for default on 20.06.2023. Thereafter, the first respondent/wife had filed a divorce petition in HMOP No.435 of 2023 on the ground of cruelty and desertion before the Family Court, Karur. Now, seeking to transfer the DVC No.16 of 2022 from the file of the Additional Mahila Court, Judicial Magistrate Level, Karur, HMOP No.435 of 2023 on the file of the Family Court, Karur, to the Additional Mahila Court, Magistrate Level, Tirupur, Family Court, Tirupur, respectively, both the Transfer Miscellaneous Petitions have been filed by the petitioners.

8. For transferring the cases, the contention of the learned counsel for the petitioners is that as the first respondent/wife is having political influence, there is a threat to the first petitioner/husband and his family members, that can not be acceptable one. Further, to prove the said contention, no material evidence has been produced. Therefore, I find no merit in the Transfer Miscellaneous petitions and there is no ground to transfer the cases.



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9. Accordingly, both the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed. The personal appearance of the petitioners 2 to 4 in Tr.CMP.No.211 of 2023 before the Court below is hereby dispensed with on condition that they shall appear before the Court below whenever their appearance is required.

Index : Yes/No
Internet : Yes/No

19.02.2024

mrp

To

1. The Additional Mahila Court(Judicial Magistrate Level), Karur.
2. The Family Court, Karur.



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V.SIVAGNANAM ,J.

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