



Tr.CMP.No.329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.329 of 2024

and

C.M.P.No.6793 of 2024

R.Vijayalakshime

... Petitioner

Vs.

A.Balavenkatesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw and transfer H.M.O.P.No.92 of 2023 from the file of the Family Court, Nagapattinam to the file of the Subordinate Court, Hosur.

For Petitioner : Ms.R.Poornima

For Respondent : Mr.G.Balachandar



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ORDER

The petitioner, respondent in H.M.O.P.No.92 of 2023 on the file of the Family Court, Nagapattinam filed this petition seeking transfer of the case from the file of the Family Court, Nagapattinam to the file of the Sub Court, Hosur.

2.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent took place on 11.09.2021. Out of their wedlock, they have two sons, namely, Sangeertan aged about 10 years and Sanjeev aged about 7 years, both are studying 5th standard and 2nd standard in Mathakondapalli Model School, Hosur. Initially the petitioner and the respondent were residing at Chennai for two years and thereafter, shifted to Bangalore. After the birth of the children, the respondent's attitude and behaviour towards the petitioner changed, he became addicted to alcohol and picking up quarrel even for trivial issues and creating a mess in the family. When the petitioner questioned the same, she was assaulted, that too, in front of the young children. The respondent is a Principal Engineer in Microchip Technology India Private Limited, earning



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monthly income of Rs.2,35,000/- per month and he is the only son to his parents. They also own some shops in Nagapattinam through which they receive monthly income. But the respondent deserted the petitioner, not paid any maintenance amount for the petitioner and the minor sons. She would submit that the petitioner filed a petition seeking maintenance in M.C.No.15 of 2023 which is pending on the file of the learned Judicial Magistrate, Hosur and filed domestic violence complaint in D.V.C.No.2 of 2023 which is also pending before the learned Judicial Magistrate No.II, Hosur. She further submitted that the respondent is employed in Bangalore and the petition seeking divorce is filed in Nagapattinam only to cause harassment and sufferings to the petitioner.

3.The learned counsel for the petitioner submits that the respondent does not object to the pendency of M.C.No.15 of 2023 before the learned Judicial Magistrate No.II, Hosur and his only apprehension is that the petitioner with the aid of muscle men may cause harm to him. Earlier on 18.09.2023, a case in Crime No.75 of 2023 was registered against the respondent on the complaint of the petitioner for the offence under Sections 294(b), 323 and 498(A) IPC. Hence, he fears for his life and safety.



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4.The learned counsel for the petitioner submits that it is only an imaginary fear. She would further submit that the respondent is very well appearing before the learned Judicial Magistrate No.II, Hosur in maintenance case as well as the domestic violence case and it would be convenient for the respondent to appear before the Court at Hosur since he is employed in Bangalore and staying in Krishnagiri. Further, to attend his work at Bangalore, the respondent has to pass through Hosur and it is only half way through, hence no difficulty can be faced by the respondent.

5.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at Bangalore along with her two children which is not denied by the respondent. It is not in dispute that the respondent is employed in Bangalore and staying at Krishnagiri and he is very well appearing in maintenance case and domestic violence case before the learned Judicial Magistrate No.II, Hosur. In view of the same, this Court withdraws H.M.O.P.No.92 of 2023 from the file of the Family Court, Nagapattinam and transfer the same to the file of the Subordinate Court, Hosur.



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6.At this juncture, the learned counsel for the petitioner and the respondent submits that dehors the transfer of case, both the petitioner and the respondent are willing for Mediation. Hence, the learned Subordinate Judge, Hosur is directed to take appropriate steps in this regard.

7.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.07.2024

cse

To

- 1.The Family Court,
Nagapattinam.
- 2.The Subordinate Court,
Hosur.



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M.NIRMAL KUMAR, J.

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