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Tr.CMP.No.1086 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.CMP No.1086 of 2023

and

CMP.No.26015 of 2023

P.Meena @ Anandhi

... Petitioner

-Versus-

P.Pandikumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. seeking to withdraw the petition in IDOP.No.2806 of 2023 on the file of the VII Additional Family Court, Chennai and transfer the same to the file of the Family Court, Villupuram.

For Petitioner : Mr.K.Subburam

*For Respondent : Mr.S.Venkatesan for
Mr.R.Arunkumar*

ORDER

The petitioner and the respondent entered into matrimony on 11.10.2021. From the wedlock, a child was born in the month of October 2022. The child is in the custody of the mother. The husband has initiated divorce proceedings in IDOP.No.2806 of 2023 on the file of the VII Additional Family Court, Chennai.



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2. The petitioner, though she states that she was a resident of Nagapattinam, has pleaded in paragraph no.6 of the affidavit that she is now residing with her uncle in Marakkanam. She states that her husband is not maintaining her and her child and is unable to financially undertake the travel from Marakkanam to Chennai. She also states that she is unable to attend all the hearings as she has to take the child along with her. She pleads that the District Court at Villupuram is closer to her residence. She also pleads that the husband is a resident of Ekkattuthangal in Chennai and Chennai is well connected with Villupuram. Therefore, there won't be any difficulty for the husband to travel to Villupuram.

3. Mr.S.Venkatesan would draw the attention of the court to the counter affidavit filed by him and plead that the uncle of the petitioner viz., Mr.Balamurugan and her aunt Tmt.Padma have threatened the respondent/husband. The respondent/husband would also plead that, by way of his affidavit in paragraph 20, he was beaten up by the relatives when he went to rejoin the wife at Marakkanam. He fears for his life. Therefore, the learned counsel would plead that the respondent/husband is willing to appear in any District Court, but not the Courts in Villupuram.



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4. I have carefully considered the arguments on either side.

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5. It is not in dispute that the petitioner has a child who is about 1½ years old and she is taking care of this child. To expect the mother to travel from Marakkanam to Chennai for every hearing would be harsh, as she is living at the mercy of her uncle and aunt. The plea of the respondent is that he fears for his life if the case is transferred to Villupuram. Villupuram is the District Headquarters and the courts are empowered to grant him protection in case there is any threat to his life.

6. Considering the overall circumstance of the case and the fact that the petitioner is taking care of her child, I am inclined to allow this transfer petition. IDOP.No.2806 of 2023 is withdrawn from the file of the VII Additional Family Court at Chennai and is transferred to the file of the Principal District Court, Villupuram.

7. It is made clear that in case the respondent is threatened or is assaulted by any of the relatives of the petitioner, he is entitled to approach the learned Principal District Judge and seek protection. I am sure that the Principal District Judge, Villupuram shall consider and pass appropriate orders case in the



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unfortunate circumstance of such an eventuality arising.

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8. With the above direction, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order



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To

- 1.The VII Additional Family Court, Chennai
- 2.The Family Court, Villupuram.



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V.LAKSHMINARAYANAN, J.
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