



Tr.C.M.P(MD)Nos.293 and 298 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.08.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Tr.C.M.P(MD)Nos.293 and 298 of 2024
and
C.M.P(MD)Nos.6755, 6756 and 6831 of 2024**

Tr.C.M.P(MD)No.293 of 2024

1.T.Jagadeesh
2.Thamaraiselvan
3.Shanthi
4.T.Dinesh

... Petitioners/Respondents

Vs.

S.M.Anantha Priya

...Respondent/Petitioner

The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the D.V.C.No.120 of 2023 from the file of the learned Addl. Mahila Court at Trichy and transfer the same to the file of the learned Addl. Mahila Court, Madurai.



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Tr.C.M.P(MD)No.298 of 2024

1.T.Jagadeesh

... Petitioner/Respondent

Vs.

1.S.M.Anantha Priya

2.Minor J.Harshini

...Respondents/Petitioners

The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the M.C.No.2 of 2024 from the file of the learned Chief Judicial Magistrate at Trichy and transfer the same to the file of the Chief Judicial Magistrate, Madurai.

For Petitioners :Mr.P.Gokulnaath
For Respondent :Mr.C.Karthikeyan
(in both cases)

COMMON ORDER

The transfer civil miscellaneous petitions are filed by the petitioner/husband. The Tr.C.M(MD) No.293 of 2024 is filed to transfer the DVC.No.120 of 2023 pending on the file of the Additional Mahila Court, Trichy and transfer the same to the file of the Additional Mahila Court, Madurai and the Tr.C.M(MD) No. 298 of 2024 is filed to withdraw the MC.No.2 of 2024 on the file



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of the Chief Judicial Magistrate Court, Trichy, to the file of the Chief Judicial Magistrate Court, Madurai.

2.The transfer is sought on two grounds. Firstly, it is stated that the father of the respondent/wife is very powerful and is exerting undue influence and also threatening the petitioner, when he has to attend the cases in Trichy. The second ground is that already HMOP.No.9 of 2023 is pending on the file of the third Additional Subordinate Court, Madurai. Therefore, it is prayed that the above two cases shall also be transferred to Madurai.

3.The learned counsel appearing on behalf of the respondent/wife would deny the said allegation and submit that the petitioner has not even returned the jewels and the wife is put to grave prejudice. The wife is also taking care of two years old baby and she is also now residing at Tiruchirappalli.



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4.I have considered the submissions made on either side and perused the material records of the case.

5.By transferring the above cases, the joint trial is also not possible. Therefore only the hardship has to be seen. Considering the hardship which is pleaded by the wife that she is also taking care of her tender child, the same has to be preferred over the hardship also faced by the husband. As far as the question of threat is concerned, if there is any apprehension, the same can be appropriately brought to the notice of the Presiding Officer of the Court on any date of hearing of the suit and the same will be looked into by the Presiding Officer. Therefore, for the mere apprehension of the petitioner, the case need not be transferred out of Trichy. Accordingly, finding no merits, that T`ransfer Civil Miscellaneous Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2024

NCC:Yes/No



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To

- 1.The Addl. Mahila Court
at Trichy.
- 2.The Addl. Mahila Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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