



WEB COPY

Tr.C.M.P(MD)No.363 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.07.2024

CORAM

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

**Tr.C.M.P(MD)No.363 of 2024
and
C.M.P(MD)No.7874 of 2024**

Asaiponnammal

... Petitioner/Respondent

Vs.

Periyasamy

...Respondent/Petitioner/

The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.129 of 2023 on the file of the IIIrd Additional Sub Court, Madurai and transfer the same to the Family Court, Sivagangai, in accordance with law.

For Petitioner :Mr.A.R.Kannappan
For Respondent :Mr.R.Devaraj



ORDER

The petitioner is the wife. She has filed a petition to withdraw the HMOP.No.129 of 2023 on the file of the III Additional Sub Court, Madurai and to transfer the same to the Family Court, Sivagangai.

2.The petitioner is pleading hardship. She is further pleading that there is a threat by the respondent and already three criminal cases have been registered.

3.Per contra, the learned counsel appearing on behalf of the respondent/husband would submit that the criminal case related to the happenings of the year 2022. As a matter of fact, two other cases filed by the petitioner, viz., the Domestic Violence Original Petition(DVOP) and the Civil Suit, are all pending only in Madurai. He would further submit that the petitioner is residing in Vellikurichi Post, Manamadurai Taluk and from there, it will take only 36 kilometers for her to reach Madurai Court, whereas if the Court at Sivagangai, is far away to both the petitioner as well as the respondent.

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



5.Considering the fact that there are two other cases, which are filed by the petitioner, are pending in the Court in Madurai and also considering the fact that the distance between the petitioner's residence and Madurai Court is only 36 kilometers, I am not inclined to transfer the HMOP.No.129 of 2023. However, considering the hardship, which is pleaded by the petitioner/wife, the respond/ husband shall pay a cost of Rs.700/- per hearing, in respect of the hearings, which is attended by the petitioner/ wife. The costs shall be paid in cash on the date of hearing itself. In respect of apprehension, if there is any further threat, the petitioner/wife will be entitled to bring notice to the concerned Presiding Officer.

6.In view thereof, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

18.07.2024

NCC:Yes/No



Tr.C.M.P(MD)No.363 of 2



D.BHARATHA CHAKRAVARTHY, J.

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To
1.The IIIrd Additional Sub Court,
Madurai.

2.The Family Court,
Sivagangai,

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