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Tr.C.M.P(MD).No.495 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.12.2024

Delivered on : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.495 of 2024
and
C.M.P(MD)No.11712 of 2024

Kalpana : Petitioner/Respondent

Vs.

K.Somasundaram : Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw case in H.M.O.P.No.764 of 2023 from the file of the Subordinate Court, Alandur and transfer the same to the file of the Subordinate Court, Thirumayam.

For Petitioner : Mr.K.Chockalingam,

For Respondent : Mr.T.Mathi.

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw case in H.M.O.P.No.764 of 2023 from the file of the Subordinate



Tr.C.M.P(MD).No.495 of 2024

Court, Alandur and transfer the same to the file of the Subordinate Court, Thirumayam.

2. It is evident from the records that the marriage between the parties was solemnized on 28.10.2022. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.764 of 2023, seeking divorce and the same is pending on the file of the Subordinate Court, Alandur.

3.The learned counsel for the petitioner would submit that the petitioner is under the care of her parents and she is residing at Konapet Village, Thirumayam Taluk and that the petitioner finds it very difficult to travel more than 400 kms to attend the hearings before the Subordinate Court, Alandur.

4.The respondent has filed a counter statement raising objections. The learned counsel appearing for the respondent would submit that the petitioner's parents are influential persons, who have ties with big wigs and political leaders; that when a small issue arose between the petitioner and the respondent, her parents deployed goons and few political figures came to the residence and physically assaulted the respondent and threatened him and hence, he was forced to give a police complaint, but there was no further action.



Tr.C.M.P(MD).No.495 of 2024

WEB COPY

5.The learned counsel for the respondent would further submit that the respondent's parents are suffering asthma and heart complications and the respondent alone has to take care of them and that he is not financially sound to travel all the way to Thirumayam from Chennai.

6. No doubt, the respondent has produced the copy of the complaint and CSR issued therefor. It is seen from the records that the complaint came to be lodged on 19.08.2023 and on that basis, summon was issued to the petitioner to appear before the police for enquiry. Except the above, the respondent has not elaborated anything further. The respondent has not stated anything as what had happened to the complaint lodged by him, whether any action was taken and case came to be registered or any further action was taken by the respondent in lodging the complaint to the higher police officials and then to approach the jurisdictional Court.

7.It is evident that the petitioner is residing at Konapet Village, Thirumayam Taluk, Pudukkottai District and the petition in H.M.O.P.No.764 of 2023 for divorce is pending on the file of the Sub Court, Alandur.



Tr.C.M.P(MD).No.495 of 2024

8.Considering the facts and circumstances of the case and also taking note of the facts that the petitioner is residing at Pudukkottai District and also the distance between the Pudukkottai and Chennai, this Court decides that the case in H.M.O.P.No.764 of 2023 is ordered to be withdrawn from the file of the Subordinate Court Alandur and transfer to the file of the Subordinate Court, Thirumayam. Accordingly, the learned Subordinate Judge, Alandur, is hereby directed to transmit the entire records in H.M.O.P.No.764 of 2023 to the file of the Subordinate Court, Thirumayam, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Thirumayam, is directed to take the petition on file and proceed in accordance with law.

9. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

20.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



Tr.C.M.P(MD).No.495 of 2024

WEB COPY

To

1. The Subordinate Court, Alandur.
2. The Subordinate Court, Thirumayam.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.495 of 2024

K.MURALI SHANKAR, J.

DAS

Pre-delivery order made in
Tr.C.M.P (MD).No.495 of 2024
and
C.M.P(MD)No.11712 of 2024

20.12.2024