



TR. CMP(MD)No.741of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

TR. C.M.P.(MD)No.741 of 2023
and CMP(MD)No.16485 of 2023

Balamurugan

...Petitioner

Vs.

Alagusarathy

...Respondent

PRAYER: Civil Revision Petition is filed under Section 151 of Civil Procedure Code to withdraw the case in O.P.No.2 of 2023, on the file of the Family Court, Sivagangai, Sivagangai District and transfer the same to the Family Court, Madurai, Madurai District.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr. R.Sridhar



WEB COPY



TR. CMP(MD)No.741of 2023

ORDER

This petition is filed seeking transfer of O.P.No.2 of 2023 from the file of the Family Court, Sivagangai, Sivagangai District to the file of the Family Court, Madurai.

2. Heard both sides and perused the materials available on record.

3. The facts in brief:

i)The petitioner herein filed H.M.O.P.No.2 of 2023 before the Family Court, Sivagangai, Sivagangai District for divorce mentioning the following grounds:

ii) The marriage between the parties took place on 20.01.2008 as per the customary rites and they were living together and three children were born to them. From the year 2020, there was change of character noticed in the behavior of the respondent. Continuous trouble was made to get the property settled in his name. Apart from that, his conduct was also doubted. On 06.09.2021, the



TR. CMP(MD)No.741of 2023

WEB COPY

petitioner was physically assaulted by the family members of the respondent. On 04.10.2022 he has also settled the property in favour of the respondent. Even after that, there was no cordiality between them. The property was also settled in favour of the petitioner on 16.12.2022. After that, she was avoiding conjugal relationship and subsequently, he was physically assaulted and his mobile phone and other jewelry were robbed at the instance of the respondent on 16.12.2022 for which a case in Crime No.599 of 2022 was also filed. He was taking treatment as in-patient from 16.12.2022 to 17.12.2022.

4. Pending the process, the petitioner has filed this petition seeking transfer of O.P.No.2 of 2023 from the file of the Family Court, Sivagangai to the file of the Family Court, Madurai on the ground that the distance between Madurai and Sivagangai is more than 50 kms and he has to catch three buses to reach the Family Court, Sivagangai. Another ground is that he is a permanent resident of Madurai.



TR. CMP(MD)No.741of 2023

WEB COPY

5. The petitioner filed in O.P.No.2 of 2023 before the Family Court, Sivagangai and at that time, his address is mentioned as Puliur Village, Samathanm (Po), Thirupuvanam (TK) and address of the respondent is also mentioned as Samatham (PO), Puliur Village. Now both of them are residing in the very same address. The petitioner wants to transfer the case to the file of the Family Court, Madurai stating that now he is residing in Madurai but his present full address in Madurai is not mentioned in the petition. Having filed the petition before the Family Court, Sivagangai invoking jurisdiction on the basis of cause of action as well as residence, without proper reasons, this petition is filed by the petitioner for transfer. Hence, this petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



WEB COPY



TR. CMP(MD)No.741of 2023

To

1.The Family Court,
Sivagangai, Sivagangai District

2.The Section Officer,
V.R Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



TR. CMP(MD)No.741of 2023

G. ILANGO VAN, J.

CM

TR. C.M.P.(MD)No.741 of 2023
and CMP(MD)NO.16485 of 2023

12.01.2024