

Tr.C.M.P(MD)No.117 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.03.2025

Pronounced on : 29.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.117 of 2025

and

C.M.P(MD)No.2801 of 2025

D.Socratees

... Petitioner

Vs.

1.Gomathi

2.Durai Karunanithi

... Respondents

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw all the records pertaining to O.S.No.40 of 2015 on the file of the Family Court, Tiruchirappalli and transfer the same to any other competent Court for an expeditious and fair trial of the same and to grant such other reliefs as this Hon'ble Court may deem fit and proper.

For Petitioner	: Mr.S.Jeyavel
For R1	: Mr.R.Vigneshwaran
For R2	: Mr.G.Manikandan



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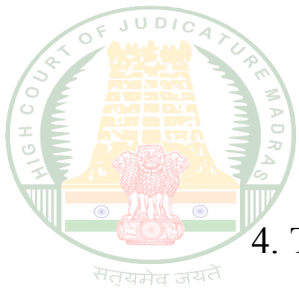
ORDER

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This Transfer Civil Miscellaneous Petition is filed seeking for an order to withdraw the O.S.No.40 of 2015 from the file of the Family Court, Tiruchirappalli and to transfer the same to any other competent Court.

2. The petitioner herein is the husband of the first respondent. They are living separately. Various matrimonial litigations have been initiated between them. During pendency of those matrimonial litigations, the petitioner executed a gift deed in favour of the second respondent, who is his brother. Hence, the first respondent has filed a suit in O.S.No.40 of 2015 on the file of the Family Court, Tiruchirappalli, to set aside the gift deed and the same is pending. At this stage, the petitioner has moved the present petition to transfer the suit in O.S.No.40 of 2015 from the Family Court, Tiruchirappalli to any other competent Court.

3. The learned counsels for the petitioner as well as the first respondent have argued at length with regard to various litigations pending between the parties. The lengthy arguments need not be discussed except for relevant facts to this petition.



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4. The learned counsel for the petitioner has submitted that the petitioner filed H.M.O.P.No.35 of 2014 against the first respondent. The first respondent has avoided appearing in that case from 2015. The first respondent had filed a petition in Crl.M.P.No.3376 of 2018 before the Additional Mahila Court, Tiruchirappalli, but the petitioner had not complied with the order passed therein. The present Presiding Officer of the Family Court, Tiruchirappalli, who was then in charge of the Family Court, has dismissed the H.M.O.P.No.35 of 2014 for the reason of failure on the part of the petitioner to comply with the order passed in Crl.M.P.No.3376 of 2018. So, the petitioner lodged a complaint against the said Presiding Officer to the Hon'ble High Court, in which the petitioner was directed to seek remedy on the judicial side. So, the petitioner filed C.M.A(MD)No.326 of 2023 leveling allegations against the said Judicial Officer. After having dismissed the H.M.O.P.No.35 of 2014, the then Presiding Officer threatened to pass an order of maintenance in I.A.No.252 of 2015. The same Presiding Officer is again posted as Judge of the Family Court, Tiruchirappalli. Hence, the petitioner apprehends that there is strong bias on the part of the present Presiding Officer of the Family Court, Tiruchirappalli, in favour of the first respondent and there would not be fair trial before him. Therefore, the petitioner has filed this transfer petition to transfer the suit in O.S.No.40 of 2015 to any other competent Court. In support of his argument,

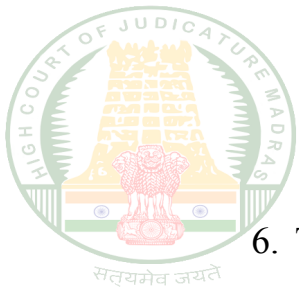


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the learned counsel for the petitioner relied on the ruling of the **Delhi High**

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5. The learned counsel for the first respondent filed a lengthy counter and objected that the petitioner has filed this petition only to protract the proceedings endlessly. This Court has directed the Family Court, Trichy, to expeditiously dispose of the suit in O.S.No.40 of 2015 within a period of nine months as per the order passed in C.R.P(MD)No.864 of 2020 on 19.04.2023. The petitioner wantonly suppressed the many material facts before this Court. The petitioner is in habit of filing litigations before the trial Court as well as in this Court against the first respondent for the past 15 years. In spite of favourable orders passed against this respondent, the petitioner is hellbent to act in complete disobedience to the orders. The petitioner is having character of raising allegations not only against the Presiding Officers of the Family Court, Trichy, but also against the counsel for this respondent, one Mr.R.Rajkumar. In order to prolong the suit, the petitioner has leveled allegations against the Presiding Officer for transfer, since he has no other valid reason. Therefore, this petition is not maintainable and the petition has no merits.



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6. The learned counsel for the second respondent submitted that he is sailing with the petitioner.

7. Submissions of both side considered. The petitioner and the first respondent are spouses. Due to misunderstanding, they are living separately and in such circumstances, both parties have filed various kinds of litigations, viz., S.T.C.No.645 of 2009 (now DVC.No.107 of 2016) filed under the Domestic Violence Act; H.M.O.P.No.35 of 2014; CrI.R.C(MD)No.815 of 2017; CrI.M.P.No.1606 of 2017; Cr.M.P.No.3376 of 2018 and CrI.M.P.No.1766 of 2015. From the cases, it is clear that the petitioner was directed to pay maintenance of Rs.3,000/- to the first respondent, as revision filed against that order was dismissed, the first respondent filed the execution petitions for recovery of maintenance amount. Whiles, the H.M.O.P.No.35 of 2014 came to be dismissed and to restore the same, the petitioner filed the petition under Order 9 Rule 9 of CPC., and the same was also dismissed.

8. It is alleged by the first respondent that during pendency of those cases, the petitioner has conveyed his property to his brother, the second respondent, by way of settlement deed and hence, the first respondent was constrained to file the present suit in O.S.No.40 of 2015 to set aside the said



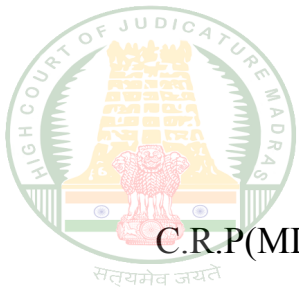
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settlement deed. It is also clear from the records, several litigations filed

between the parties were ordered to be transferred to the Family Court, Trichy.

9. Now, the petitioner states that the present Presiding Officer of the Family Court, Trichy, who was then in charge of the Family Court, dismissed the H.M.O.P.No.35 of 2014 and also passed orders in favour of the first respondent and hence, on leveling allegations, he sought transfer. The first respondent vehemently objected that the petitioner is in the habit of leveling allegations not only against the Judicial Officers and also against his counsel in order to prolong the litigations, which have been conducted for the past 15 years. Upon the allegations, a report has been called for from the learned Judge, Family Court, Trichy and the same has been received.

10. On perusal of the report received, it is stated that the Presiding Officer did his judicial duty without any fear or favour and that the petitioner is in a regular habit of making false allegations against the Judicial Officers and even the petitioner sent a complaint against the successor Judicial Officer, copy of the same annexed therewith. It is also clear from the report of the present Presiding Officer that this Court has directed to dispose of the case in O.S.No.40 of 2015 within a period of nine months as ordered in



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C.R.P(MD)NO.864 of 2020, dated 19.04.2023. The Presiding Officer has also

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stated in his report that the connected cases in H.M.O.P.No.35 of 2014, Cr.M.P.No.40 of 2022, Cr.M.P.No.41 of 2022 in D.V.C.No.107 of 2016 are also pending before that Court, however, he has no objection to transfer the cases.

11. In the above facts and circumstances, the petitioner has suppressed the direction of this Court for disposal of the suit in O.S.No.40 of 2015 within a period of 9 months in this petition. It is also revealed that the petitioner is in the habit of leveling allegations against the Judicial Officers, as seen from the report of the present Presiding Officer of the Family Court, Trichy, and also from the copy of the complaint by the petitioner leveled against the previous Judicial Officer, who submitted a reply. It is a settled proposition that a litigant must approach the Court with clean hands without suppressing any material fact.

12. In this case, the petitioner has suppressed the material fact of the direction of this Court regarding disposal of the suit in O.S.No.40 of 2015. In case if he aggrieved by any order, he has to choose to file the appeal or revision, it is not good practice to level allegations against the Presiding



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Officers. It is pertinent to note herein that even in his affidavit filed along with

WEB this petition, the petitioner himself stated that the High Court replied to his complaint with a direction to work out the remedy on the judicial side. The citation relied on by the petitioner is not applicable to the facts of this petition. Therefore, considering the above facts and circumstances, this Court is of the view that the petition has no merits and the same is liable to be dismissed.

13. In the result, this Transfer Civil Miscellaneous Petition is dismissed with costs.

29.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Family Court,
Tiruchirappalli.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.117 of 2025
and
C.M.P(MD)No.2801 of 2025

29.04.2025