

Priya Vs. Krish

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Court : Chennai Madurai

Decided On : Sep-29-2016

Judge : D. Krishnakumar

Appeal No. : TR.C.M.P. (MD). No. 373 of 2016 & C.M.P. (MD) No. 7261 of 2016

Appellant : Priya

Respondent : Krish

Judgement :

(Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of Civil Procedure Code praying this Court to withdraw the case in H.M.O.P.No.6 of 2015, on the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transfer the same to the file of the learned Principal Subordinate Judge, Kumbakonam.)

1. This Transfer Civil Miscellaneous Petition is filed praying this Court to withdraw the case in H.M.O.P.No.6 of 2015, on the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transfer the same to the file of the learned Principal Subordinate Judge, Kumbakonam.

2. The respondent herein/husband has filed H.M.O.P.No.6 of 2015 before the Sub-Court, Palani Camp at Kodaikanal. The marriage between the Petitioner and respondent was solemnized on 24.6.2005 at Oddanchatram according to Hindu rites and customs. Due to difference of opinion, the Petitioner is now residing with

her parents at Thiruvudaimaruthur, Thanjavur District. The allegation of the Petitioner is that she is facing severe threat on the part of her husband and her life is in danger, if she entered into Kodaikanal for attending the court hearings. There is no safety for her life and further she also stated that it is difficult for her to travel a long distance of 350 Kms between Kodaikanal and Kumbakonam.

3. Per contra, the learned counsel for the respondent strongly objected for transfer from Kodaikanal to Kumbakonam as prayed for in the present transfer application. The respondent is also a sick person and could not travel for the long distance of 350 Kms. Therefore in the interest of justice, this Court decided to transfer the matter before the appropriate Court.

4. Considering the facts and circumstances of the case and taking into consideration of the Petitioner's allegation found in the affidavit filed in support of the Petition, it would be appropriate to transfer the H.M.O.P.No.6 of 2015 to the file of Family Court, Trichy and accordingly, the Transfer Civil Miscellaneous Petition is allowed and passed the following Order:

i) The petition in H.M.O.P.No.6 of 2015 is ordered to be withdrawn from the file of the learned Subordinate Judge, Palani Camp at Kodaikanal and transferred to the file of the Family Court, Trichy, for disposal on merits and in accordance with law.

ii) The learned Subordinate Judge, Palani Camp at Kodaikanal is directed to transmit the entire records to the file of the Family Court, Trichy, for further action..

iii) The Registry is also directed to send back the papers that are pending before the Registry.

iv) As and when the records received, the Family Court, Trichy is directed to re-number the H.M.O.P No.6 of 2015 and dispose of the same, as expeditiously as possible.

(v) No order as to costs. Consequently, connected Miscellaneous Petition is closed.