

In the High Court of Judicature at Madras

Dated : 23.1.2015

Coram :

The Honourable Mr. Justice V. RAMASUBRAMANIAN

Tr.CMP.No.623 of 2014 and MP.No.1 of 2014

A.Sivamala (a) Arockia Matha ... Petitioner

Vs

A.Justin Diraviam ... Respondent

PETITION under 24 of the Civil Procedure Code to withdraw I.D.O.P. No.116 of 2014 on the file of the Third Additional District Court, Tirunelveli and to transfer the same before the Principal District and Sessions Court, Krishnagiri.

For Petitioner : Dr.Father Xavior Arulraj
Dr.Mr.Edward Stanley

ORDER

This is a petition filed by the wife seeking transfer of the petition for divorce filed by the respondent/husband from the file of the Third Additional District Court, Tirunelveli to the file of the Principal District and Sessions Court, Krishnagiri.

2. Heard Dr.Father Xavior Arulraj, learned counsel for the petitioner. On 25.9.2014, the transfer petition was admitted and notice ordered. In the petition for stay, private notice was also ordered. The private notice has already been served on the respondent on 25.11.2014. But, till date, the respondent has not chosen to enter appearance through counsel. His name is also printed in the cause list. There is no representation for him.

3. In the affidavit in support of the petition for transfer, it is stated by the petitioner that she is now residing with her parents in Krishnagiri. In initial stages, the petitioner was going from Krishnagiri to Tirunelveli. However, an incident is said to have happened on 29.12.2012. It is better narrated in the words of the

petitioner, as found in paragraphs 11 and 12 of the affidavit. They are extracted as follows :

"The negotiation was going on between them and my parents. All of a sudden, my husband's elder brother one Mr.Stephen Gnanaraj raised his voice and had beaten my father severely. At that time, my mother had intervened to rescue my father. Suddenly, he took the steel chair and had beaten on the face of my mother. Due to the said attack 6 teeth were fallen in the upper and lower jaw of my mother was injured. She lost six (6) teeth. Immediately, we lodged a complaint against the said Stephen Gnanaraj in the Sankaran Koil Town Police Station in C.S.R.No.585/ 12 dated 29.12.2012. But, the police are very reluctant to take action against them. They only tried to pacify me and my mother to withdraw the said complaint. So, my mother had withdrawn the said complaint.

I humbly submit that after the above said incident on 29.12.2012, we returned back to Shoologiri and my father and my mother had taken treatment for their injury from 1.1.2013 to 15.2.2013 nearly for 1 1/2 months. They had spent Rs.25,000/- for the same. My mother had withdrawn her complaint because my husband had given statement in writing to the Sankarankoil Town Police Station and promised that he would live with me peacefully in future and he will arrange my transfer to Veernam. But, he failed in his promise. Later on, we came to know that he had given a false promise before Sankarankoil Police to escape from the police case against their family especially for his elder brother Stephen Gnanaraj."

4. The respondent has not chosen to counter the above allegations. The petitioner as well as the respondent are both teachers. Therefore, ends of justice will be met only by transferring the petition for divorce to the Court at Krishnagiri.

5. Accordingly, the above transfer petition is allowed withdrawing I.D.O.P.No.116 of 2014 from the file of the Third Additional District Court, Tirunelveli and transferring it to the Principal District and Sessions Court at Krishnagiri. The Third Additional District Court, Tirunelveli shall transfer the records

within a period of two weeks from the date of receipt of a copy of this order. Within two weeks of receipt of the records, the Principal District and Sessions Court, Krishnagiri shall endeavour to dispose it of within a period of three months. Consequently, the above MP is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

RS

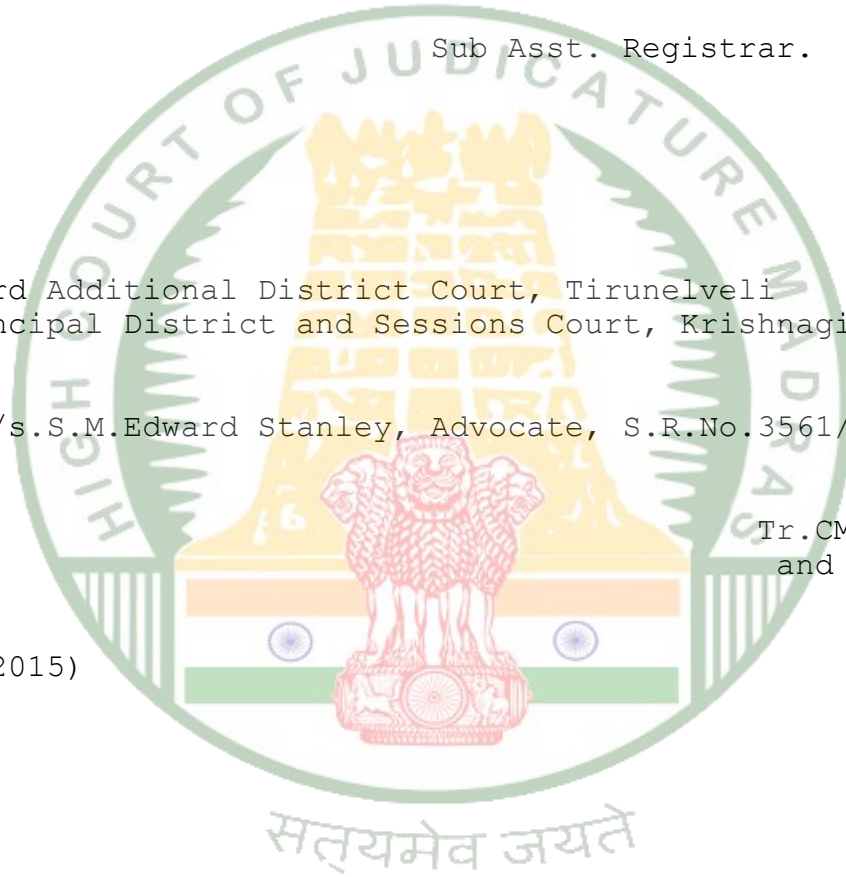
To

- 1.The Third Additional District Court, Tirunelveli
- 2.The Principal District and Sessions Court, Krishnagiri.

+lcc to M/s.S.M.Edward Stanley, Advocate, S.R.No.3561/15

Tr.CMP.No.623 of 2014
and MP.No.1 of 2014

CA (CO)
CA (27/02/2015)



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