



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.06.2015
CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.372 of 2014 and
M.P(MD)No.1 of 2014

Maria Emile

... Petitioner

Vs.

John Wariyoss

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.18 of 2014 on the file of the District Court, Sivagangai and transfer to the Family Court, Trichirapalli to be tried along with M.C.No.298 of 2014 on the file of the Family Court, Trichirapalli filed by the petitioner.

For Petitioner : Mr.S.Krishnamoorthy

For Respondent : Mr.V.Pandiyan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.18 of 2014 on the file of the District Court, Sivagangai and transfer to the Family Court, Trichirapalli to be tried along with M.C.No.298 of 2014 on the file of the Family Court, Trichirapalli filed by the petitioner.

2.The petitioner herein is the wife and the respondent is the husband of the petitioner. The marriage was solemnized between the petitioner and the respondent on 20.10.2010. After the marriage, both the petitioner and the respondent lived together at Manamadurai in a joint family with the respondent's parents. After two months, the respondent went to Singapore. The family members of the respondent demanded more dowry and tortured and ill-treated the petitioner cruelly and sent out her from the matrimonial home during the month of February 2011. The petitioner is living with her parents from 2011 to till date. The respondent returned to India and he has not taken any steps to take the petitioner to the matrimonial home. The petitioner filed a petition before the Protection Officer, Social Welfare Office, Trichy against the respondent and her in-laws. After the enquiry, the case was numbered as M.C.No.4 of 2012 under the Domestic Violence Act, before the Judicial Magistrate No.II, Trichy and the same was forwarded to the Mediation and after conciliation, the respondent returned the petitioner's Sreadhana Articles. In respect of maintenance, the petitioner filed a separate application before the Family Court, Trichy and the same was filed and it was taken on file as M.C.No.298 of 2014.

3.On receipt of notice in M.C.No.298 of 2014, the respondent filed an I.D.O.P.No.18 of 2014 before the District Court, Sivagangai for divorce on the ground of desertion. The petitioner is living with her aged parents and her father a retired Government Servant and he is also a sugar patient and he has to maintain his family including the petitioner with



his meagre amount of pension. The distance between Trichy and Sivagangai is more than 150 kms and it is very difficult for her to attend each and every hearing and to conduct the case before the District Court, Sivagangai. The petitioner being a lady and she has to travel with the help of male members ie., her father or other members of her parents house. The petitioner is depending on her parents for day to day expenses including travel expenses.

4. In such circumstances, the petitioner/wife has come out with the present petition to transfer the aforesaid IDOP No.18 of 2014 filed by the respondent/ husband before the District Court, Sivagangai, to the Family Court, Trichirapalli to be tried along with M.C.No.298 of 2014 on the file of the Family Court, Trichirapalli filed by the petitioner.

5.The learned counsel appearing for the respondent has no objection for transferring the IDOP No.18 of 2014 filed by the respondent before the District Court, Sivagangai to the Family Court, Trichirapalli.

6.Recording the no objection made by the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.18 of 2014 on the file of the District Court, Sivagangai, is hereby withdrawn and transferred the same to the file of the Family Court, Trichirapalli, to be tried along with M.C.No.298 of 2014 filed by the petitioner, if the same is not yet disposed of. The District Court, Sivagangai is directed to send the case bundles to the Family Court, Trichirapalli immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(Per.Admmn.)

/True copy/

Sub Assistant Registrar

To

1.The District Judge,
Sivagangai.

2.The Judge, Family Court
Trichirapalli.

Copy to:

The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Krishnamoorthy,Advocate SR.No. 27663

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