



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.201 of 2015 and
M.P(MD).No.1 of 2015

D.Lydia Catherine

... Petitioner

Vs.

R.Justus

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and Transfer the case in GWOP.No.458 of 2014 on the file of the Family Court, Tirunelveli to any other Competent Court in Tirunelveli District.

For Petitioner	: Mr. J. Ashok
For Respondent	: No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and Transfer the case in GWOP.No.458 of 2014 on the file of the Family Court, Tirunelveli, to any other Competent Court in Tirunelveli District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 04.03.2011, as per Christian Rites and Customs. A male child was born in the wedlock on 06.07.2012. After marriage, both were living together in matrimonial home at Chennai. The respondent started ill treating the petitioner, both mentally and physically, by demanding more dowry of Rs.10,00,000/- from the parents of the petitioner. The parents could not pay the same. Due to that, the respondent, used to take all the salary of the petitioner. The respondent having not satisfied with the salary of the petitioner, also took 75 sovereigns of gold jewels, which was provided by the parents of the petitioner at the time of marriage. After the birth of child, the respondent harassed the petitioner by demanding dowry. The petitioner left the matrimonial home. The respondent filed IDOP.No.121 of 2013 on the file of the Principal District Court, Tuticorin, for restitution of conjugal rights. Subsequently, the same has been transferred to the Family Court, Thirunelveli and renumbered as IDOP.No.522 of 2014 and the same is pending. In the meantime, the respondent has filed GWOP.No.458 of 2014 on the file of Family



Court, Thirunelveli. Further, the petition in M.C.No.27 of 2013 filed by the petitioner is pending before the Family Court, Thirunelveli.

3. In such circumstances, the petitioner has filed the present petition to transfer GWOP.No.458 of 2014 on the file of the Family Court, Tirunelveli, to any other Competent Court in Thirunelveli District, making false allegations against the Presiding Officer.

4. Heard the learned counsel appearing for the petitioner and perused the report received from the learned Judge, Family Court, Thirunelveli. Though notice was served on the respondent and his name is printed in the cause list, he has not chosen to appear either in person or through counsel.

5. From the records, it is seen that, already IDOP.No.121 of 2013, filed by the respondent for restitution of conjugal rights on the file of the learned Principal District Judge, Tuticorin, is transferred to Family Court, Tirunelveli and re-numbered as IDOP.No.522 of 2014 and also M.C.No.27 of 2013 filed by the petitioner is pending before the Family Court, Tirunelveli. Now, the petitioner seeking transfer of GWOP.No.458 of 2014 pending before the Family Court, Tirunelveli, to any other Court in Thirunelveli, making allegations against the Presiding Officer.

6. In the circumstances, the reason given by the petitioner for transfer, making allegations against Presiding Officer is not maintainable and the same is liable to be dismissed.

7. Accordingly, the Transfer CMP is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To
The Judge, Family Court, Tirunelveli
trp
RL/2C/NGM/SS/3/3/2016

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