



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.C.M.P (MD) No.210 of 2015

R.Tharmar

... Petitioner

Vs.

T.Anusiya Devi

... Respondent

Prayer: Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.337 of 2014 on the file of the Family Court, Dindigul and transfer the same to the file of the Family Court at Madurai.

For Petitioner : M/s.V.Jeyarani

For Respondent : No Appearance

ORDER

The present petition is filed seeking to withdraw the case from the file of the Family Court, Dindigul in H.M.O.P.No.337 of 2014 and transfer the same to the file of the Family Court at Madurai.

2.The marriage between the petitioner and respondent was solemnized on 27.05.1994, as per the Hindu Rites and Customs. Out of the wedlock, two male children were born and both are aged about 17 years and 13 years old.

3. The contention of the petitioner is that the respondent is working as a Hostel Warden in Government Athi Dravidar Welfare Higher Secondary School, S.Shankaralingapuram, Peraiyur Taluk, Madurai District. The allegation of the petitioner as averred in the petition is that the respondent developed illicit intimacy with one Packiyasenan, who is also working as a Warden in Government Adhi Dravidar Welfare Higher Secondary School. The respondent/wife abandoned the children and the children are now residing with the petitioner/husband and the respondent is not even cared to visit the children. The petitioner filed H.M.O.P.No.539 of 2011 for divorce and subsequently, the



petitioner filed H.C.P(MD)No.1291 of 2013, wherein the respondent accepted to join with the family and hence, H.M.O.P.No.539 of 2011 filed by the petitioner was withdrawn.

4. The contention of the petitioner is that after withdrawal of H.M.O.P.No.539 of 2011 by the petitioner, the respondent filed another H.M.O.P.337 of 2014 for divorce before the Family Court, Dindigul.

5. The main ground for transfer stated by the petitioner is that the respondent herself is working in Government Adhi Dravidar Welfare Higher Secondary School, S.Shankaralingapuram, Peraiyur Taluk, Madurai District. She has unnecessarily filed divorce petition in Dindigul District only with a view to harass the petitioner. Further, the two children born out of wedlock, are school going and the petitioner with the help of his parents, is looking after the children. Hence, he is not a position to travel and defend the case filed by the respondent for divorce.

6. Considering the nature of allegation raised by the petitioner in the petition and further taking into account that the two children are with the custody of the petitioner/husband, this Court is of the opinion that the present case for transfer deserves to be considered and accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.337 of 2014 pending before the Family Court, Dindigul, is ordered to be transferred to the file of the Family Court, Madurai, forthwith. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judge, Family Court,
Dindigul.

2. The Judge, Family Court,
Madurai.

+ 1 CC TO M/S.V.JEYARANI, ADVOCATE IN SR No. 69877

PM

TE/CK : 24/11/2016 : 2P/4C