



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.C.M.P(MD)No.430 of 2016

and

C.M.P(MD)No.8618 of 2016

Mary Flora

... Petitioner/Respondent.

Vs.

Kalirajan @ Rajan Theemothey

... Respondent

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in I.D.O.P.No.2 of 2015 from the file of the learned III Additional District Judge, Tirunelveli and consequently, transfer the same to any other Court having competent jurisdiction at Tanjore District to try the same.

For Petitioner : Mr.R.Anand
For Respondent : Mr.M.Alagappan for
Mr.R.Ramasamy

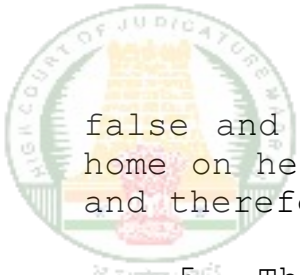
O R D E R

The Transfer Civil Miscellaneous Petition is filed seeking to withdraw the case in I.D.O.P.No.2 of 2015 from the file of the learned III Additional District Judge, Tirunelveli and transfer the same to any other Court having competent jurisdiction at Tanjore District.

2. The marriage between the petitioner and the respondent was solemnized on 02.09.2013, as per Christian Rituals.

3. The contention of the petitioner is that she was harassed by the respondent and forcibly driven out from the matrimonial home. Therefore, the petitioner is now residing with her parents and not having any income of her own. She is a dependent even for the day-to-day expenses and unable to spend and travel to defend the case filed by the respondent in I.D.O.P.No.2 of 2015 for divorce.

<https://hcservices.courts.tn.nic.in/> The learned counsel for the respondent contended that the present petition is devoid of merits and deserves no consideration on the ground that the allegations set out by the petitioner are



false and frivolous. Further, the petitioner left the matrimonial home on her own volition and not at the instance of the respondent and therefore, the petition is to be dismissed.

5. The facts of the case is that the petitioner is now residing with her parents' house and not having any independent source of income to travel and spend to defend the case of divorce filed by the respondent before the Court at Tirunelveli. Therefore, this Court is of the opinion that the case of the petitioner deserves to be considered. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the I.D.O.P.No.2 of 2015 pending before the III Additional District Judge, Tirunelveli is ordered to be transferred to the file of the Additional Sub Court, Tanjore forthwith. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The III Additional District Judge,
Tirunelveli.
2. The Additional Subordinate Judge,
The Additional Sub Court,
Tanjore.

+1CC to M/S.R.Anand, Advocate, SR.No. 64784.

+1CC to M/S.R.Ramasamy, Advocate, SR.No. 63720

TR.C.M.P. (MD) No.430 of 2016
25.10.2016

akv

AM/SK SKN/AR-CS 2/24.11.2016/2P/5C