

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.468 and 469 of 2015
and M.P.Nos.1 and 1 of 2015

V.Muthulakshmi .. Petitioner in both Tr.C.M.Ps
Vs.

Manikandan @ Ponpoovalingam ..Respondent in both Tr.C.M.Ps

Petitions filed under Section 24 of the Civil Proceedure Code praying to withdraw the H.M.O.P.No.31 of 2012 and H.M.O.P.No.220 of 2011 from the file of the Sub Court, Tuticorin and transfer the ame to the file of the III Additional Family Court, Chennai tried along with M.C.No.201 of 2015.

For Petitioner : Mr.N.Ramesh in both Tr.C.M.Ps

For Respondent : Mr.J.Raja Rao in both Tr.C.MPs

O R D E R

This Transfer Civil Miscellaneous Petitions are filed by the wife seeking transfer of H.M.O.P.No.220 of 2011 filed by the husband and H.M.O.P.No.31 of 2012 on the file of the Sub Court, Tuticorin, to be tried along with M.C.No.201 of 2015 filed by the wife on the file of the III Additional Judge, Family Court, Chennai.

2.The wife is the petitioner herein. It is stated that the marriage between the petitioner and the respondent was solemnised on 14.07.2008 at Tuticorin. The petitioner is a diploma holder in nursing and was working in Government Hospital, Namakkal and the respondent is an IRI holder and he was running a two wheeler shop. At the time of marriage, 30 sovereigns of gold, cash and household articles were given to the respondent as dowry. After their marriage, there was lot of differences in the behaviour of the respondent and his parents towards the petitioner and also started to pick up

quarrel even for trivial issues. Subsequently, the petitioner got transferred her job from Namakkal to Kovilpatti at the instigation of the respondent and his parents. On 04.08.2009, a male child, namely, P.Jayachandran was born to them. It is further stated that the petitioner was forced to stay at her parents' house. After that, the mother and brother of the respondent demanded additional dowry of 10 sovereign gold jewels and Rs.50,000/- for developing the business of the respondent. While so, the petitioner was transferred from Namakkal to Chennai on 24.02.2010 and she was staying with her parents. At that time, the respondent's mother and brother wantonly arranged second marriage to the respondent and the same was solemnised on 06.06.2011 without dissolving the earlier marriage between the petitioner and the respondent. Hence, the petitioner lodged a complaint before the All Women Police Station, Srivaikundam against the respondent and his family members. But due to the influence of the respondent, the police officials refused to take action against the respondent. Therefore, the petitioner filed a private complaint before the concerned Magistrate to take cognizance of offence committed by the respondent and his family members and a case has been registered on 09.02.2012 in crime No.02/2012. After the said complaint, there was compromise talk between the elders of both families for reunion. All of a sudden, the respondent received a notice in the above said H.M.O.P. 220 of 2011 on the file of the Sub Court, Tuticorin. The petitioner was shocked to know that the respondent has filed H.M.O.P.No.220 of 2011 before the Sub Court, Tuticorin for dissolution of marriage. The petitioner has also filed a counter in the above said H.M.O.P and the same is pending before the said Court. The petitioner further submitted that pending the above said H.M.O.P, she filed a petition in H.M.O.P.No.31 of 2012 against the respondent on the file of the Sub Court, Tuticorin for conjugal rights. As the petitioner has no other adequate source of income, she finds very difficult to maintain herself along with her child. Hence, she filed M.C.No.201 of 2015 before the III Additional Family Court, Chennai for maintenance. The petitioner is not able to travel from Chennai to Tuticorin, being a long distant route, coupled with the fact that she could not afford for the travelling expenses along with the child, for every date of hearing of the case. Hence, she has filed Transfer Civil Miscellaneous Petition for the above relief.

4.Heard the learned counsel for the petitioner and the learned counsel for the respondent. It is now stated that both the parties are living in Chennai and the respondent has also got no serious objection in allowing these transfer petitions.

5.Taking into consideration the grievances expressed by the petitioner that she has to travel all along from Chennai to

Tuticorin and also taking into account the fact that the respondent has no objection in transferring these petitions, this Court deems it fit to transfer the said H.M.O.P.No.31 of 2012 and H.M.O.P.No.220 of 2011 from the file of the Sub Court, Tuticorin to the III Additional Family Court, Chennai to be tried along M.C.No.201 of 2015.

6.These Tr.C.M.Ps are allowed accordingly. No costs. Consequently connected miscellaneous petition are closed.

sd/

Assistant Registrar

/true copy/

Sub Assistant Registrar

srn

To

1. The III Sub Court, Madurai

2.The Family Court No.I, Chennai

+4cc to Mr.N.Ramesh, Advocate SR.No.5507.

Tr.C.M.P.No.468 and 469 of 2015
and M.P.Nos.1 and 1 of 2015

SCD(CO)
GN(13/02/2017)

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