

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.516 of 2015
and M.P.No.1 of 2015

1. Tamilarasi
2. Minor Nigashini
D/o.Tamilarasi
Natural Guardian Petitioners/Respondents

Vs.

R.Ganesan ... Respondent /Petitioner

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.31 of 2015 on the file of the Principal Sub Court, Tiruppur and transfer the same to the Sub Court at Mettur, Salem District.

For Petitioners: Mr.M.Senthil Kumar
For Respondent : Served-No Appearance

O R D E R

The petitioner along with her minor child has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.31 of 2015 pending on the file of the Principal Sub Court, Tiruppur and transfer the same to the file of the Sub Court at Mettur, Salem District.

2. The marriage between the first petitioner and the respondent was solemnised on 19.10.2011. At the time of marriage, the respondent demanded dowry of 5 sovereigns of gold from the first petitioner. Her parents are stated to be daily coolie workers and they could not arrange for the same. The first petitioner and the respondent were living happily for some time. On 15.11.2012, a female child, namely, Nigashini was born to them. It is further stated that the petitioner-wife is a disabled person(dumb) and at the time of marriage, the respondent knew very well that she is a dumb. Subsequently, the respondent and his family members started torturing her. She was thrown out from the matrimonial home and sent her to parents' house at Mettur. After that, the first petitioner and

her family members requested the respondent and his family member for reunion. But, the respondent did not accept the same. The first petitioner was shocked to know that the respondent has filed H.M.O.P.No.31 of 2015 before the Principal Sub Court, Tiruppur for dissolution of marriage.

3. It is further stated that the first petitioner and her daughter, who is aged about two years, are only depending upon her parents and she has no income from any other source. It is also stated that the respondent has to maintain the first petitioner and her daughter. Hence, the petitioner filed the maintenance petition in M.C.No.4 of 2015 before the Judicial Magistrate No.I Mettur. The petitioner is not able to travel from Mettur to Tiruppur, being a long distant route of 200 kms, coupled with the fact that she could not afford the travelling expenses along with the child, for every date of hearing of the case. Furthermore, the petitioners' parents are stated to be daily coolies and hence, she could not get much financial help from her parents. Hence, she has filed this Petition for the above relief.

4. Heard the learned counsel for the petitioners. In spite of notice having been served on the respondent and the name of the respondent having been printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. Taking into consideration the grievances expressed by the petitioner that she has to travel all along from Mettur to Tiruppur and also taking into account the fact that she could not afford for travelling and the fact that the petitioner is having a two year female child and therefore, she could not attend the hearing dates in H.M.O.P.No.31 of 2015, this Court deems it fit to transfer the said H.M.O.P.No.31 of 2015 from the file of the Principal Sub Court, Tiruppur to the Sub Court, Mettur.

6. This Tr.C.M.P is allowed accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

srn

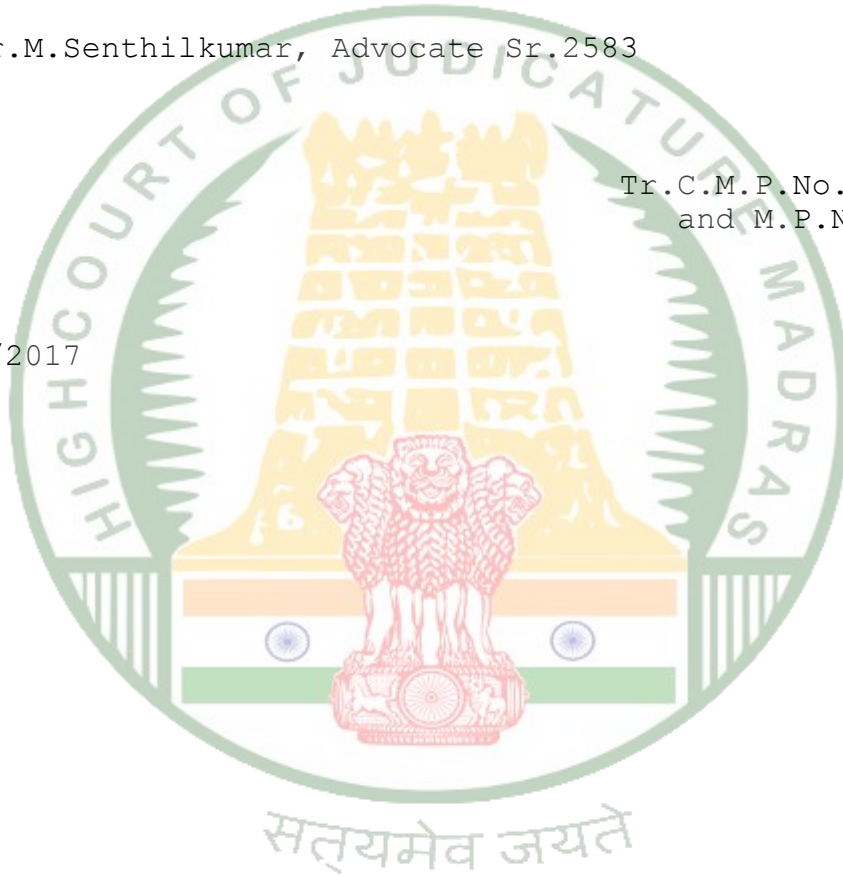
To

1. The Principal Subordinate Judge,
Tiruppur.
2. The Subordinate Judge,
Mettur.

+1cc to Mr.M.Senthilkumar, Advocate Sr.2583

Tr.C.M.P.No.516 of 2015
and M.P.No.1 of 2015

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srg 31/01/2017



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