

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.658 of 2016

and

C.M.P.No.17369 of 2016

Mrs.A.Asoka Devi ... Petitioner

Vs.

Mr.R.Thangaraj ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.149 of 2016 from the file of the Principal Sub-Court, Tiruppur and to transfer the same to the Sub-Court at Udumalaipettai.

For petitioner : Mr.P.Sesubalan Raja

For respondent: Notice served - No appearance

ORDER

In a matrimonial dispute between the petitioner-wife and the respondent-husband, the husband filed H.M.O.P.No.149 of 2016 on the file of the Principal Sub-Court, Tiruppur, seeking divorce. It is stated by her that she was harassed at the hands of the respondent including demand of dowry, resulting in filing of a Police complaints, in which, inspite of enquiries conducted, the husband had not changed his attitude. She was sent out of the matrimonial home in December 2015. On registration of FIR against the respondent, he filed the said H.M.O.P.No.149 of 2016 seeking divorce on the ground of desertion. The respondent also harassed the family members of the petitioner. She was even assaulted by him, resulting in further Police complaint. As she has lost even her father, there is none to accompany her to the Court proceedings. On account of the assault by the husband, she is fearing to attend even the Court hearings at Tiruppur. The complaint filed by the petitioner under the provisions of the Protection of Women from Domestic Violence Act against the respondent and his mother, has been taken on file in D.V.A.No.3

of 2016 on the file of the Judicial Magistrate-1, Udumalaipettai. Hence, the petitioner prefers transfer of the said H.M.O.P. to Udumalaipettai, as anyhow, the respondent will have to appear before the Judicial Magistrate Court-1 at Udumalaipettai for the hearing of the case in the said D.V.A.

2. Taking into consideration the above grievances of the petitioner and also taking into account the fact that the respondent will have to attend the proceedings at Udumalaipettai in respect of the said D.V.A.C. and as there is nobody to accompany her to Court proceedings as her father died, the Tr.C.M.P. is allowed and H.M.O.P.No.149 of 2016 filed by the husband, pending on the file of the Principal Sub-Court, Tirupur, shall stand transferred to the file of the Sub-Court, Udumalaipettai, to be tried along with D.V.A.No.3 of 2016 and the said D.V.A. which is now pending on the file of the Judicial Magistrate-1, Udumalaipetti, shall also stand transferred to Sub-Court, Udumalaipettai for trying the same along with the said H.M.O.P. No costs. C.M.P. is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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Copy to

1. The Principal Sub-Judge, Tiruppur.
2. The Sub-Judge, Udumalaipettai.
3. The Judicial Magistrate-1, Udumalaipettai.

+1cc to Mr.P. Sesubalan Raja, Advocate, S.R.No.8086

lrs(CO)
md(24/02/2017)

Tr.C.M.P.No.658 of 2016