



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.CMP.(MD).No.412 of 2017

and

C.M.P.(MD).No.8298 of 2017

G.Jeevarani

... Petitioner/Respondent

vs.

T.Paulraj

... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C praying to withdraw the petition in I.D.O.P.No.125 of 2016 on the file of the Principal District Judge, Tiruppur and transfer the same to the Family Court at Madurai.

For Petitioner : Mr.D.Karthik Raja

For Respondents : Mr.D.Bharathi

ORDER

The petitioner has come forward with this petition seeking transfer of I.D.O.P.No.125 of 2016 from the file of the Principal District Judge, Thiruppur to the Family Court, Madurai.

2.The petitioner/wife states that she married the respondent on 22.10.2009 and it is an arranged marriage. The respondent is serving in Indian Army and after marriage, the petitioner lived in the matrimonial home for three months and thereafter, she went along with the respondent to his work spot in Rajasthan. Out of wedlock, she gave birth to a female baby on 07.10.2010. The petitioner states that from the beginning, there was a demand for additional dowry and the respondent and his family members abused the petitioner. Without any reason, the respondent deserted the petitioner in the year 2016 and he is not willing to take her to the matrimonial life. The petitioner is now living with the female child at the care and custody of her parents at Madurai and her daughter is studying II Standard in Kendira Vidyalaya, Madurai. Whiles, the respondent herein suddenly filed a petition in I.D.O.P.No.125 of 2016 on the file of the Principal District Judge, Tiruppur, seeking divorce. Further, the petitioner states that she has filed M.C.No.137 of 2016 and the same is pending on the file of the Family Court, Madurai. She is unemployed and is



depending upon her father, who is aged about 70 years. Further, the minor daughter is school-going and nobody is there to take care of her daughter, finding it difficult to go to Thirupur for every hearing, the petitioner filed the present petition, seeking transfer of I.D.O.P.No.125 of 2016 as prayed for in the petition.

WEB COPY

3. On the other hand, the respondent filed a counter and opposed the petition in all aspects.

4. The respondent contends that it is only the petitioner, who refused to accompany the respondent to matrimonial home and she is living in her parental home on her own. The allegation of dowry demand and other harassment is denied. The respondent has purchased a property in the name of the petitioner in 2011 and the same is in possession and enjoyment of the petitioner only. Further, the relief sought for by the petitioner will prejudice the respondent, as he will be forced to take long leaves to attend the matter in the Family Court at Madurai. Since he is employed in the Indian Army, it is not possible to do so. Hence, he seeks dismissal of the petition.

5. However, considering the reasons stated by the petitioner that she is unemployed and depending on her aged parents and it is difficult for her to travel along with her aged father and minor child to Thirupur to attend the hearings, this Court is of the view that it will be just and proper to entertain the relief sought for by the petitioner. Further, the other case in M.C.No.137 of 2016 is also pending on the file of the Family Court, Madurai only. In such circumstances, no prejudice will be caused to the respondent, if the petition in I.D.O.P.No.125 of 2016 is transferred from the file of the Principal District Court, Tiruppur to the Family Court at Madurai to be tried along with M.C.No.137 of 2016. Hence, the plea of the petitioner is to be entertained.

6. In the result, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed. The petition in I.D.O.P.No.125 of 2016, pending on the file of the Principal District Court, Tiruppur is ordered to be withdrawn and transferred to the file of the Family Court at Madurai, to be tried along with M.C.No.137 of 2016. The Family Judge, Madurai is directed to dispose of both the cases as expeditiously as possible.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The Principal District Judge, Tiruppur.
2. The Judge, Family Court, Madurai.

+ 1 CC TO Mr.D.BHARATHI, ADVOCATE IN SR No. 85212
+ 1 CC TO Mr.J.ANIMESH, ADVOCATE IN SR No. 85594

VS

TE/MR-KKR/SAR-III : 14/11/2017 : 3P/5C

Tr.C.M.P. (MD) .No.412 of 2017 and
C.M.P. (MD) .No.8298 of 2017
03.11.2017