

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

C O R A M

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.410 of 2019

and

C.M.P.No.11074 of 2019

A.Indu

... Petitioner

Vs.

S.Kathikeibalan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the O.P.No.639 of 2019 on the file of III Additional Family Court, Chennai and transfer the same to the Subordinate Court, Melur, Madurai District.

For Petitioner : Mr.R.Amardeep

For Respondent : Ms.A.Arulmozhi

O R D E R

The petitioner herein, who is the wife, filed the present petition praying to withdraw the O.P.No.639 of 2019 pending before the III Additional Family Court, Chennai and transfer the same to the Subordinate Court, Melur, Madurai District.

2. The case of the petitioner is that she got married to the respondent on 22.04.2018 at Tamil Nadu Chamber of Commerce Thirumana Mandapam, Kamarajar Salai, Madurai District, in accordance with the Hindu Rites and Customs. As the respondent is an Advocate practicing in Chennai, they are living at Chennai.

3. The averments in the affidavit is that the marriage between the petitioner and the respondent is an arranged one. The respondent / husband started inflicting mental cruelty and put the petitioner /wife under stress by having a suspicious attitude towards her and always compel her to act in an aristocrat style because she was alienated from a conservative family. Due to the same, there was no peace in the matrimonial life and he always go to the extent of infringing her privacy without believing her words and harassed her by pouring allegations against her, even though she want to live with him.

4. On the first hearing of the case, the respondent / husband an Advocate, who is an influential person, submits that,

it would be difficult for him to travel from Chennai to Melur. When the petitioner's wife participated in the counseling, the respondent / husband has shown the strength of the hands in the Family Court by entering with a group of advocates alleged to be friends. The counselor not even allowed to tell the petitioner's side truth and events happened and compelled her to accept the false allegations put forth by the respondent / husband. The petitioner / wife filed a petition for restitution of conjugal rights before the Subordinate Court, Melur, within a year of marriage stating that the respondent / husband has not understood fully her and always treated with suspicious mind and hence, the hardship and mental agony passed by her cannot be spoken out at Chennai Court. She further stated that she did not have any relation in Chennai to accommodate her and she also has constant threat from her husband and father-in-law. Both of them are advocates and she has no assistance on the legal side and hence, the petitioner / wife seeks for transfer of the O.P filed by the respondent / husband in O.P.No.639 of 2019 to be transferred to Sub-Court, Melur.

5. The learned counsel appearing for the respondent / husband has no serious objection in transferring the case. Hence, this Court is inclined to allow the petition and the same is hereby allowed.

6. Accordingly, the petition filed by the respondent / husband in O.P.No.639 of 2019 pending before the III Additional Family Court, Chennai is withdrawn and transferred to the file of Sub-Court, Melur. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

1. The Judge,
III Additional Family Court,
Chennai.
2. The Subordinate Judge,
Sub-Court, Melur, Madurai District

+1 CC to M/s.Tamizh Law Firm, sr 93864.

TR C.M.P. No.410 of 2019
and
C.M.P.No.11074 of 2019

SSI (CO)
SP(30/01/2020)