

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Tr.C.M.P.No.554 of 2019
and
C.M.P.No.15573 of 2019

K. Renuga ... Petitioner/Respondent

Vs.

P. Sridhar ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the case in O.P.No.108 of 2019 from the file of the Family Court, Trichy, to the Family Court, Salem, Salem District.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Gopinath

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of O.P.No.108 of 2019 pending on the file of the Family Court, Trichy, to the file of the Family Court, Salem, Salem District.

2.It is the case of the petitioner/wife that the marriage between the petitioner and the respondent was solemnized on 20.01.2019 at Srirangam Arulmigu Sri Kattazhagiya Sivaperumal Thirukoil, Srirangam, according to Hindu Rites and Customs. Before marriage itself, the petitioner informed the respondent about her previous marriage which was ended in divorce and the respondent accepted her in second marriage. But, on the date of reception, the respondent changed his mind and started to quarrel with the petitioner. The respondent insisted her parents to pay Rs.5,00,000/- and 25 Sovereign of jewels to him, since the respondent married her as second marriage. Utilizing the said situation, the respondent demanded huge amount as dowry and refused to touch the petitioner from the date of marriage. Thereafter, the respondent/husband filed a petition for divorce before the Family Court, Salem. Due to the fact that the respondent is working as Assistant Professor in AVS College of

Engineering, Salem, subsequently, he has approached the Family Court, Trichy and filed the O.P. Therefore, the petitioner seeks transfer of the same from the file of the Family Court, Trichy, to the file of the Family Court, Salem.

3.The learned counsel for the respondent/husband submitted that the petitioner has suppressed all the details of her first marriage, viz., the first marriage is still in existence and the divorce petition is pending before the Family Court, Pudukottai. After reception, the parents of the petitioner tendered an affidavit and asked the respondent to sign in the affidavit. In the said affidavit, it is stated that the petitioner had already married to one Senthil and a divorce proceeding is pending before the Family Court, Pudukottai. As such, marriage taken place between the petitioner and the respondent is a void marriage and nullity under Law, the illegal act of the petitioner and her parents, had forced him into file a petition for declaring the marriage as null and void.

4.From the above pleadings, it could be seen that the marriage conducted between the petitioner and the respondent itself is being questioned by the parties whether it is valid or not?. The petitioner in her petition for transfer has not stated anything about her previous marriage and the petition for divorce is pending before the Family Court, Pudukottai. Only when the counsel for the respondent/husband filed a counter it was brought to the knowledge of this Court that the petitioner has not come to this Court with clean hands but had suppressed the factual aspects regarding her marriage held earlier. The petitioner has not chosen to file any transfer petition regarding petition pending before Pudukottai Court, would show that the petitioner married to harass the husband. When the earlier divorce petition is pending before the Family Court, Pudukottai, the marriage conducted subsequently whether it is valid or not, is to be decided. The petitioner has also not stated valid reasons for seeking transfer from the Family Court at Trichy to be withdrawn and transferred to Family Court, Salem. As there is no valid reason shown and due to the suppression of facts before this Court, this Court is not inclined to allow the transfer petition and the same is dismissed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

mps

To

The Judge Family Court,
Trichy.

+1cc to Mr.R.Gopinath, Advocate SR.82387

+1cc to Mr.C.Prakasam, Advocate SR.82181

Tr.C.M.P.No.554 of 2019

and

C.M.P.No.15573 of 2019

CA(CO)

CB(07/11/2019)