

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.959 OF 2018
AND CMP NO.23642 OF 2018

Savrin Sheela Rose Petitioner

Vs.

J.Shibu Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw I.D.O.P.No.237 of 2018 pending on the file of Principal District Judge, Thiruvallur and to transfer the same to District Court, Tirunelveli.

For Petitioner : Mr.N.Ponraj
For Respondent : Mr.A.R.Suresh

O R D E R

The petitioner / wife filed this petition seeking to withdraw and transfer I.D.O.P.No.237 of 2018 filed by the respondent / husband before the Principal District Court, Thiruvallur, to the District Court, Tirunelveli.

2. The petitioner is the wife. The respondent filed I.D.O.P.No.237 of 2018 before the Principal District Court, Thiruvallur, on the grounds of mental illness.

3. Learned counsel for the respondent would contend that he faces threat to his life at the hands of the family members of the petitioner / wife and hence, it is not conducive for him to go over to Tirunelveli.

4. From a perusal of the petition filed by the husband, it is seen that the petitioner is a resident of Tirunelveli. Now that the respondent / husband filed a petition under Section 18 of the Indian Divorce Act, 1869, seeking

declaration of the marriage held between the petitioner and the respondent, as null and void, it is but fair that the petitioner / wife is not forced to travel with her ailment from Tirunelveli to Thiruvallur.

5. Considering the physical and mental hardship as well as the ailment of the petitioner/wife and also the apprehension of the respondent / husband, this Court is of the considered view that the case can be transferred to a neutral venue. Accordingly, I.D.O.P.No.237 of 2018 filed by the respondent before the Principal District Court, Thiruvallur is withdrawn and transferred to the Family Court, Madurai. A direction is issued to the Family Court, Madurai, to renumber the petition and issue notice to both the parties and thereafter, dispose of the same, as expeditiously as possible.

6. The respondent / husband undertakes to bear the travelling expenses of the petitioner / wife from Tirunelveli to Madurai, to contest the case. The undertaking given by the respondent / husband is recorded.

7. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Principal District Court
Thiruvallur.

2.The Family Court
Madurai.

+1cc to Mr.N.Ponraj , Advocate SR.No. 14479

+1cc to Mr.A.R.Suresh , Advocate SR.No. 15591

TR.CMP.NO.959 OF 2018

A.SK(18/03/2019)