



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.224 of 2019

and

C.M.P(MD) No.5275 of 2019

J.Jennis

... Petitioner/Respondent/Wife

Vs.

A.Rajesh

... Respondent/Petitioner /
Husband

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer O.P.No.23 of 2019 on the file of Hon'ble Subordinate Judge, Coonoor to the Hon'ble Family Court, Tiruchirappalli.

For Petitioner : Mr.T.Banumathy

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking to transfer the petition for divorce filed by the respondent/husband in O.P.No.23 of 2019 on the file of the learned Subordinate Judge, Coonoor to the file of the Family Court, Tiruchirappalli.

2.Though the name of the respondent is printed in the cause list after notice was served on him, he has neither appeared in person nor through a counsel. Therefore, this Court proceeds to hear the transfer civil miscellaneous petition in their absence.

3.The petitioner would submit that the marriage between herself and the respondent was solemnized on 27.11.2011 and she would further submit that the respondent/husband was having relationship with another woman and consequently, she was ill-treated and subjected to unbearable torture and cruelty. As a result, she was forced to return back to her parental home at Trichy. The respondent would submit that not only was she threatened by her in-laws and her husband, but also by the woman with whom her husband is having extra-marital life. Consequently, she has lodged a police



complaint against them in Crime No.8 of 2019 on the file of the Inspector of Police, All Woman Police Station, Trichy. In this backdrop, she received the summon from the Sub Court, Coonoor, to appear before the Court on 20.06.2019 to answer the OP filed by the husband for divorce in O.P.No.23 of 2019. The petitioner would submit that already the respondent is furious on the account of the fact that she had initiated the criminal case against him and his family members. Therefore, she fears for her physical safety to travel from Trichy to Coonoor and she is also not receiving maintenance from the respondent, despite the fact that she has filed M.C.No.54 of 2019 on the file of the Family Court, Trichy. She would further submit that travel to Coonoor would be very expensive and a strain on her parents, upon whom she is already been depending for her day today expenses.

4. There is a considerable force in the contention put forward by the petitioner. Hence, the petition in O.P.No.23 of 2019 pending before the Sub Court, Coonoor, is ordered to be withdrawn and transferred to the file of Family Court, Tiruchirappali to be tried along with M.C.No.54 of 2019. The learned Subordinate Judge, Coonoor, is directed to transmit the entire records in O.P.No.23 of 2019 to the Family Court, Tiruchirappali and the learned Judge, Family Court, Tiruchirappali, is directed to tag O.P.No.23 of 2019 along with M.C.54 of 2019 which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law.

5. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judge, Family Court, Tiruchirappali.

2. The Subordinate Judge, Coonoor.

+1CC TO MR.T.BANUMATHY, Advocate Sr. No. 93718

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