WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.10.2019**
CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

TR.C.M.P.(MD) No.213 of 2019
and
C.M.P.(MD) No.4882 of 2019

Nagalakshmi ... Petitioner

vs.

J.Rajkumar ... Respondent

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.106 of 2018 pending on the file of the Sub Court, Thiruttani and transfer the same to any of the competent Court at Dindigul District more particularly to file of the Family Court, Dindigul.

For Petitioner : Mr.N.Sathish Babu
For Respondent : Mr.M.Saravanan

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in HMOP.No.106 of 2018 filed by the respondent/husband for divorce on the file of the Sub Court, Thiruttani to the file of the Family Court, Dindigul.

2.The petitioner/wife would contend that she got married to the respondent on 23.03.2017. At the time of marriage, sufficient jewels, cash and household articles have been given as "Sidhana" to the respondent. After the marriage, she had left from Dindigul to live with her husband along with her in-laws. Right from the inception of the marriage, the respondent has acted in an indifferent manner with the petitioner and had not permitted her to continue the employment in the school, where she has been working.

3.The petitioner/wife would further contend that the respondent/husband was also trying to contract a second marriage, which constrained the petitioner to approach the All Women Police Station, Vadamadurai to give a police complaint on 11.04.2018. Thereafter, though the respondent took back the petitioner, he continued to ill-treat her. Therefore, the petitioner left her matrimonial home.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

4.The learned counsel appearing for the petitioner would submit that since the respondent/husband has not given any amount as maintenance to her till date, she is totally depending on her parents for her financial needs and she would be unable to defend the case at Thiruttani, as it is very difficult to travel from Dindigul to Thiruttani.

5.Considering the above facts and taking into account of the fact that the residence of the petitioner/wife would also confer the jurisdiction on the Court to try the petition for divorce, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.106 of 2018 pending on the file of the Sub Court, Thiruttani, is ordered to be withdrawn and transferred to the file of Family Court, Dindigul. The learned Sub Judge, Thiruttani, is directed to transmit the entire records of HMOP.No.106 of 2018 to the Family Court, Dindigul, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

mm

To

1.The Subordinate Judge, Thiruttani.
2.The Judge, Family Court, Dindigul.

+1 CC to M/s.R.SUBRAMANIAN, Advocate SR-92553.
+1 CC to M/s.N.SATHISH BABU, Advocate SR-92743.

TR.C.M.P.(MD) No.213 of 2019
16.10.2019

CS(19.11.2019) 2P 5C

https://hcservices.ecourts.gov.in/hcservices/