



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.246 of 2019

and

C.M.P. (MD) No.5724 of 2019

S.N.Sheebha

... Petitioner/ Respondent

vs.

S.Vinoth

... Respondent/Petitioner

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to call for the records pursuant to the IDOP.No.2364 of 2019 on the file of the Principal Family Court, Chennai and transfer the same to the file of Principal District and Sessions Court, Thoothukudi.

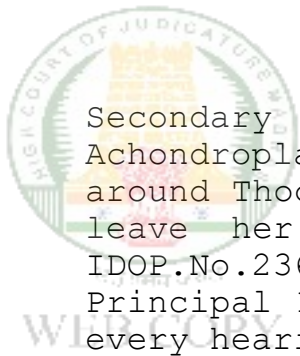
For Petitioner : Mr.S.Muthumalairaja
For Respondent : Mrs.B.Tamil Nidhi

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in IDOP No.2364 of 2019 pending on the file of the Principal Family Court, Chennai to the file of Principal District and Sessions Court, Thoothukudi.

2.The case of the petitioner/wife is that the marriage between her and the respondent/husband was solemnized on 11.02.2011 and at the time of marriage, her parents had given sufficient jewels as well as cash to the respondent. After the marriage, the jewels as well as the cash were entirely in the custody of the respondent. Meanwhile, she was blessed with a male child, but the respondent did not show any love and affection to his son. At this juncture, the respondent and his mother harassed the petitioner by demanding a sum of Rs.3,00,000/- for purchasing a car, failing which, they had threatened that she could not live in her matrimonial home. Since the request was not complied with, the respondent and his mother had driven the petitioner from the matrimonial home. Thereafter, the respondent had sent a legal notice to the petitioner seeking divorce and following the same, he has filed IDOP.No.2364 of 2019 seeking divorce.

3.The learned counsel appearing for the petitioner/wife would contend that she is totally depending on her parents for her day to day expenses since the respondent/husband has not maintaining her and his child, who is studying 2nd std., at XAN Matriculation Higher



Secondary School, Thoothukudi and also suffering from Achondroplasia, for which, he has been taking treatment in and around Thoothukudi and Tirunelveli. Therefore, the petitioner cannot leave her child for a long period. Since the petition in IDOP.No.2364 of 2019 for divorce is pending on the file of the Principal Family Court, Chennai, the presence of the petitioner for every hearing is imperative.

4.In view of the above and considering the fact that the respondent/husband has not maintaining the petitioner/wife and her son, the petitioner is seeking to transfer the petition in IDOP.No.2364 of 2014 for divorce on the file of the Principal Family Court, Chennai to the file of Principal District and Sessions Court, Thoothukudi.

5.There is considerable force in the contentions put forward by the petitioner. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in IDOP.No.2364 of 2014 on the file of the Principal Family Court, Chennai, is ordered to be withdrawn and transferred to the file of Principal District and Sessions Court, Thoothukudi. The learned Principal Family Court Judge, Chennai, is directed to transmit the entire records of IDOP.No.2364 of 2019 to the file of Principal District and Sessions Court, Thoothukudi, 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 Principal Family Court Judge, Chennai.

2.The Principal District and Sessions Judge, Thoothukudi.

+1 CC to M/s.B.TAMIL NIDHI, Advocate SR-92397.

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate SR-92684.

TR.C.M.P. (MD) No.246 of 2019

16.10.2019

CS (20.11.2019) 2P 5C