



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P.(MD).No.253 of 2019 and
C.M.P.(MD).No.5865 of 2019

M.Mercy Rani

.. Petitioner/Respondent

Vs.

K.John Jeyakumar

.. Respondent/Petitioner

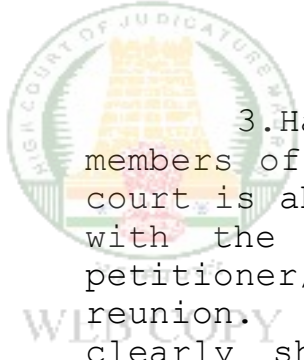
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in I.D.O.P.No.41 of 2017 on the file of District Judge, Tiruchirapalli, transfer the same to the file of the District Judge, Thanjavur.

For Petitioner : Mr.P.Venkatesan

ORDER

This petition is filed by the wife to transfer I.D.O.P.No.41 of 2007 filed by the husband before the District Judge, Tiruchirappalli to the District Court, Thanjavur.

2.The petitioner/wife admits that the marriage between her and the respondent was solemnized on 21.06.2010 as per the religious rites at Lalgudi. The husband has filed a petition for divorce mainly on the ground that the petitioner/wife has refused to consummate the marriage and subjected the petitioner to cruelty and that the respondent has deserted the petitioner for over two years without any justifiable cause and without any intention of reunion. The above petition for divorce was filed in October 2017. The wife has now filed a petition before the Judicial Magistrate No.II, Thanjavur under Domestic Violence Act, to hand over the srithana articles given to the respondent and to take action against the respondent for treating with cruelty. Apart from that she seeks a sum of Rs.10,000/- towards monthly maintenance. The wife has made serious allegations in the above



3. Having regard to the allegations involving almost every members of the family, made by the wife against the husband, this court is able to see that the wife may not be interested in living with the husband. The relief that was prayed for by the petitioner/wife would also show that she had no intention to reunion. As a matter of fact, the petitioner's allegations would clearly show that she has no valid reason to live with her husband. Since the husband had filed only a petition for divorce and the petitioner very well agree for consent divorce. In that view of the matter this Court do not find any justifiable cause for entertaining this transfer civil miscellaneous petition to transfer the matrimonial proceedings. As a result, this petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The District Judge, Tiruchirappalli.

+1 CC to Mr.P.VENKATESAN, Advocate SR-74488.

Tr.C.M.P. (MD) .No.253 of 2019
10.07.2019

CS(24.07.2019) 2P 3C