



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD)No.39 of 2019
and C.M.P (MD)No.1167 of 2019

S.Maria Jeyanthi

... Petitioner

Vs.

Santhappa Dinesh Kumar

... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw and transfer the case I.D.O.P.No. 8 of 2018 on the file of the Family Court, Dindigul to try along with I.D.O.P.No.25 of 2018 pending on the file of the Principal District Court, Trichirappalli.

For Petitioner : Mr.P.Paranthaman
For Respondent : Mr.P.Manikandan

J U D G M E N T

The above Transfer Civil Miscellaneous Petition is filed to transfer the case I.D.O.P.No. 8 of 2018 from the file of the Family Court, Dindigul to the file of the Principal District Court, Trichirappalli, to be tried along with I.D.O.P.No.25 of 2018.

2.The petitioner and the respondent, who profess Christian religion were married on 30.06.2014 and at the time of marriage, the petitioner and her family came to understand that the respondent is well employed and he was earning Rs.11,000/- every month. However, after the marriage, the petitioner was compelled by the respondent and his parents to take up employment and even salary of the petitioner was also taken away by the respondent. Thereafter, the petitioner came to know that the respondent has only passed 12th Standard and he is not an Engineering graduate as held out by them at the time of marriage. Out of the wedlock, a female child was born on 22.07.2015. Admittedly, the respondent/husband is not maintaining either the wife or child. The petitioner was forcibly driven out from her matrimonial home on 11.02.2017 and thereafter, the relationship had turned sour and the petitioner/wife filed I.D.O.P.NO.25 of 2018 on the file of the Principal District Judge, Trichy. As a counter blast, the husband filed H.M.O.P.No.8 of 2018 before the Family Court, Dindigul.



3. Considering the fact that her presence on every hearing is required by the Family Court, Dindigul, the petitioner has a minor daughter and she is totally depending on her parents for income, the petitioner has moved this Court by way of the present Transfer Civil Miscellaneous Petition.

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4. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent.

5. Considering all these circumstances, this Court is inclined to issue the following direction

i) The learned Judge, Family Court, Dindigul, is directed to transmit the entire records in I.D.O.P.No. 8 of 2018 to the file of the Principal District Court, Trichirappalli, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Principal District Judge, Trichirappalli, after obtaining the records on transfer, is directed to try both I.D.O.P. No. 8 of 2018 and I.D.O.P.No. 25 of 2018 and dispose of the same as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

CM

To,

- 1.The Family Court,Dindigul.
- 2.The Principal District Judge, Trichirappalli,

+1 CC to M/s.P.PARANTHAMAN, Advocate (SR-88283[F] dated 20/09/2019)

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JM/10.10.2019/2P/4C