



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.277 of 2019

and

C.M.P(MD) No.6484 of 2019

E.Sakthi Kamatchi @ Kalpana ... Petitioner/Respondent

Vs.

Muthumari ... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in HMOP No.751 of 2019 from the file of Family Court, Coimbatore and transfer the same to the file of Family Court, Tirunelveli for disposal of the same on merits in accordance with law.

For Petitioner : Mr.M.Sankar

For Respondent : No appearance

ORDER

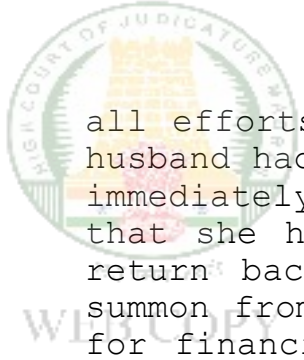
The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking to transfer the petition for divorce filed by the respondent in H.M.O.P.No.751 of 2019 on the file of the Family Court, Coimbatore to the file of the Family Court, Tirunelveli.

2.The petition for transfer has been filed narrating the following facts:-

(i) The petitioner had married the respondent on 02.11.2015 at Coimbatore and after her marriage, she has been living with her husband at matrimonial home at Coimbatore. Out of wedlock, they have been blessed with a male child namely M.S.Manikandan on 04.08.2016. The petitioner would submit that from the inception of marriage, the respondent and his family members have been causing mental agony to the petitioner by demanding more dowry. In fact, on occasion the husband had also tortured her physically in a drunken mood. Consequently, the petitioner was left with no other alternative, but to leave her matrimonial home and return to her parental home at Vickramsingapuram village in Ambasamudram.

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

(ii) Despite several attempts taken by the petitioner, the parents and other family members to reunite her with the respondent,



all efforts turned in vein. The petitioner would submit that her husband had issued the notice for restitution of conjugal rights and immediately the petitioner had re-joined, but however the torture that she has suffered earlier, continued. Therefore, she had to return back to her parental home. Thereafter, she received the summon from the Family Court, Coimbatore. She is totally depending for financial assistance on her parents and that apart she has to take care of the child, who is aged about three years. In these circumstances, the transfer has been sought for.

3.I find considerable force in the contentions that have been raised by the petitioner. Hence, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.MO.P.No.751 of 2019 pending before the Family Court, Coimbatore, is ordered to be withdrawn and transferred to the file of Family Court, Tirunelveli. The learned Judge, Family Court, Coimbatore, is directed to transmit the entire records in H.MO.P.No.751 of 2019 to the Family Court, Tirunelveli and the learned Judge, Family Court, Tirunelveli, is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Family Court Judge, Coimbatore.
- 2.The Family Court Judge, Tirunelveli.

+1CC TO MR.M.SANKAR, Advocate Sr. No. 94410

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TR(08.11.2019) 2P 4C