



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.08.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S. S. SUNDAR**

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TR.C.M.P (MD)No.293 of 2019
and
C.M.P. (MD)No.6884 of 2019

Alfred Navamoney Jabakumar : Petitioner/Respondent

Vs.

Lydia Kiruba : Respondent/Petitioner

Prayer: Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the case bearing I.D.O.P.No.18 of 2019 on the file of the Hon'ble Additional District Judge, Tenkasi, Tirunelveli District and subsequently transfer the same to any other competent Court at Madurai more particularly the Family Court, Madurai.

For Petitioner : Mr.S.Palanivelayutham

ORDER

This petition has been preferred by the petitioner/husband to withdraw the case in I.D.O.P.No.18 of 2019 on the file of the Additional District Judge, Tenkasi, Tirunelveli District and to transfer the same before the Family Court, Madurai.

2. The petitioner is the husband, who is the respondent in I.D.O.P.No.18 of 2019 on the file of the learned Additional District Judge, Tenkasi, Tirunelveli. The marriage between the petitioner and the respondent was solemnized on 30.09.2017 as per the Christian rites and customs. The respondent/wife filed a petition for dissolution of marriage vide I.D.O.P.No.18 of 2019 originally before the Principal District Court, Tirunelveli. It is admitted that the same was transferred to the file of Additional District Court, Tenkasi, Tirunelveli District. Stating that the petitioner is living at present at Bangalore and that there is a threat to his life by the wife and her relatives, he has filed this petition.

3.It is not in dispute that the Court, in which the matrimonial proceedings is pending, is competent to decide I.D.O.P.No.18 of 2019. The petitioner seeks transfer of proceedings from the Court which has jurisdiction to another Court which does not have jurisdiction. The ground alleged is convenience of the husband. It is also stated that it will be difficult for him to conduct the case before the Court at Tenkasi. The petitioner complained that the respondent and her relatives assembled before the Court and they picked up quarrel with the petitioner. It is the



case of the petitioner that he was threatened by the wife's relatives. He has also referred to another incident.

4.However, the petitioner has not given any complaint at the appropriate forum as against any one.

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5.In such circumstances, this Court is of the view that the husband has come up with such allegation only for the purpose of this transfer proceedings. Having regard to the fact that no other valid ground is made by the husband to transfer the proceeding, this petition is not sustainable.

6.In view of the above, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

The Additional District Judge, Tenkasi,
Tirunelveli District

+1 CC to M/s.S.PALANIVELAYUTHAM, Advocate (SR-79536[F] dated 02/08/2019)

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