



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

Tr.C.M.P(MD)No.153 of 2018

and C.M.P. (MD) No.3427 of 2018

P.Ivanjelin Jeni

... Petitioner

Vs.

G.Dhomas Albert

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw D.O.P.No.178 of 2017 on the file of the Principal District Judge, Tuticorin and the same may be transferred to Principal District Judge, Thirunelveli.

For Petitioner : Mr.M.P.Amalan
For Respondent : No appearance

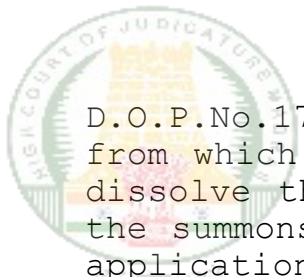
J U D G M E N T

This petition is filed by the wife seeking to transfer D.O.P.No.178 of 2017 filed by the respondent/husband for divorce from the file of the Principal District Judge, Tuticorin, to the file of the Principal District Judge, Tirunelveli.

2. Heard the learned counsel for the petitioner and there is no appearance on behalf of the respondent.

3. From a reading of the affidavit filed in support of this Transfer Civil Miscellaneous Petition, it is seen that the respondent and the petitioner married as per the Christian rites and customs on 30.12.2015. The petitioner contends that the parents of the petitioner gave considerable jewels, cash and household articles. But from the day of marriage, the respondent and his parents had been demanding dowry and had been torturing her in this regard. The petitioner has been blessed with a girl child on 22.05.2017. In fact, when the petitioner had conceived, the respondent and his parents wanted her to abort the child for which the petitioner had not acceded to. The respondent/husband is neither maintaining her nor the child and he is also not taking steps to reunite despite several steps taken by the petitioner in this regard.

4. The petitioner was shocked to receive the summons in



D.O.P.No.178 of 2017 from the Principal District Judge, Tuticorin, from which she came to know that the respondent has taken steps to dissolve the marriage between her and the respondent. On receiving the summons, the petitioner has subsequently come forward with this application since she is totally depending on her parents for day to day expenses and every travel to Tuticorin would be a strain on her physically and financially. She has also the child to take care of. The child also suffers from certain problems for which the child is undergoing treatment.

5. In these circumstances, she has sought to have the petition transferred to Tirunelveli.

6. Considering the valid, justifiable reasons that has been put forward by the petitioner seeking to transfer, this Court is inclined to issue the following direction:

i) The learned Principal District Judge, Tuticorin, is directed to transmit the entire records in I.D.O.P.No.178 of 2017 to the file of the Principal District Court, Tirunelveli, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Principal District Judge, Tirunelveli, after obtaining the records on transfer, is directed to dispose of D.O.P.No.178 of 2017 as expeditiously as possible in accordance with law.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

CM

To

1.The Principal District Judge, Tuticorin.

2.The Principal District Judge, Trichirappalli.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-91235[F] dated 04/10/2019)

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