



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Date : 18.11.2019
CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.410 of 2019
and
C.M.P. (MD)No.9569 of 2019

Jerina Begaum .. Petitioner/ Respondent
Vs.
Parthiban .. Respondent /Petitioner

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in Special Marriage O.P.No.27 of 2019 on the file of the learned Principal Sessions Judge, Tiruchirappalli District and transfer the same to the file of the learned Principal Sessions Judge, Perambalur.

For Petitioner : Mr.N.Anandakumar
For Respondent : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw Spl.M.O.P.No.27 of 2019 filed by the respondent, for divorce, on the file of the Principal Sessions Court, Tiruchirappalli District, to the file of the Principal Sessions Court, Perambalur to be tried along with Spl.M.O.P.No.18 of 2019, which is pending on his file.

2.The learned counsel appearing on behalf of the petitioner would submit that the wife had filed M.C.No.18 of 2016, claiming maintenance for herself and her minor daughter. The learned Chief Judicial Magistrate, also pleased to pass an exparte order, directing the respondent to pay a sum of Rs.7,000/- (Rupees Seven Thousand only) towards the maintenance of wife and Rs.8,000/- (Rupees Eight Thousand only) towards the maintenance of minor daughter. Though the order has been passed on 31.01.2017, the said payment was not made to-date. The petitioner has also filed Cr.M.P.No.869 of 2019 to enforce that order. The petitioner was not only deserted by the husband but also has not been given maintenance. She has to take care of her and her minor daughter, who is studying in School. The petitioner has to depend on her parents for her expenses as well as that of her child. In these circumstances, if she has to prosecute the proceedings before the



learned Principal Sessions Judge, Tiruchirappalli, she would be put to great deal of hardship.

3.The contention put forth by the learned counsel for the petitioner has considerable force and that apart, the husband has not been paying maintenance towards her, despite the orders of the Court dated 31.07.2019.

4.There is no representation for the respondent, despite the fact that the names of both counsel as well as the respondent has been printed in the case list.

5.Considering the aforesaid facts, the petition in Spl.M.O.P.No.27 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Sessions Court, Tiruchirappalli, to the file of Principal Sessions Court, Perambalur. The learned Principal Sessions Judge, Tiruchirappalli, is directed to transmit the entire records in Spl.M.O.P.No.27 of 2019 to the Principal Sessions Court, Perambalur. The learned Principal Sessions Judge, Tiruchirappalli, is directed to tag Spl.M.O.P.No.27 of 2019 along with Spl.M.O.P.No.18 of 2019 to conduct joint trial and dispose of the same on merits and in accordance with law.

6.It is made clear that the learned Principal Sessions Judge, Perambalur shall not take up the hearing in the original petitions until the husband shows proof of compliance of the order dated 31.07.2017, passed by the learned Chief Judicial Magistrate, Perambalur in M.C.No.18 of 2016.

7.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

1.The Principal Sessions Judge, Tiruchirappalli.

2.The Principal Sessions Judge, Perambalur.

+1 CC to Mr.N.ANANDA KUMAR, Advocate (SR-99506[F] dated 19/11/2019)

Tr.C.M.P.(MD)No.410 of 2019

18.11.2019