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Tr CMP (MD) No. 166 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.166 of 2021

and

C.M.P. (MD) No.3161 of 2021

G. Jenny

... Petitioner

-vs-

M.Ramadoss

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP No.44 of 2020 on the file of the Principal Subordinate Court, Tiruchirappalli to the Family Court, Mannargudi, where the petitioner's matrimonial petition filed in HMOP.No.152 of 2020 is pending.

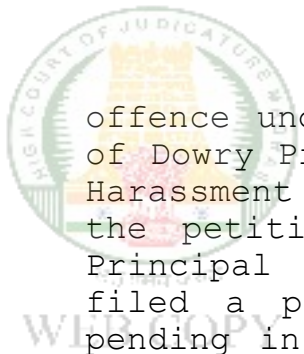
For Petitioner : Mr. K.M. Subrahmaniam

For Respondent : Mr.A. Senthilkumar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition in HMOP No.44 of 2020 on the file of the Principal Subordinate Court, Tiruchirappalli and transfer the same to the file of Family Court, Mannargudi, to be tried along with HMOP.No.152 of 2020 pending on its file.

2. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 13.06.2019 at Mannargudi Govind Mahal and the entire marriage expenses were spent by the petitioner's father and at the time of marriage, 60 sovereigns of gold jewels were given as Streedhana as claimed by the parents of the respondent and further silver articles and other household articles were also complimented as Streedhana in the presence of relatives of both sides. Thereafter, the respondent started demanding more dowry. Since the petitioner's father already spent Rs.13,00,000/-, towards the celebration of marriage and jewels, he was unable to meet out the demand of the respondent and thereby, the matrimonial dispute arose between the petitioner and the respondent and that the petitioner was driven out of the matrimonial home. Since the petitioner was harassed by the respondent demanding more dowry, the petitioner has given a complaint against the respondent and hence, a case in Crime No.1 of 2020 has been registered against the respondent for the



offence under Sections 294(b), 498(A) and 506(i) IPC and Section 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. In the meanwhile, the respondent has filed the petition for divorce in HMOP.No.44 of 2020 on the file of Principal Subordinate Court, Trichirappalli. The respondent has filed a petition for restitution of conjugal rights and it is pending in HMOP.No.152 of 2020 on the file of the Family Court, Mannargudi.

3. The learned counsel appearing for the petitioner would further submit that the petitioner has filed a petition in DVC.No.3 of 2021 on the file of the District Munsif Court, Mannargudi. He would further submit that the petitioner is now at mercy of her parents and she finds it difficult to travel from Mannargudi to Tiruchirappalli and thereby, the present petition has been filed seeking transfer of HMOP.No.44 of 2020 pending on the file of Principal Subordinate Court, Tiruchirappalli to the Family Court, Mannargudi to be tried along with HMOP.No.152 of 2020 on the file of Family Court, Mannargudi. He would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration of the convenience and the comparative hardship faced by the petitioner/wife had directed to transfer the cases to be tried in Courts near to the petitioner. Thereby, she seeks for transfer.

4. The learned counsel appearing for the respondent vehemently opposed stating that there was a matrimonial dispute and that the petitioner had alone left the matrimonial home and thereafter, she gave a false complaint against the respondent as if he demanded dowry. Further, at the time of attending the Court at Mannargudi, the respondent was assaulted by the petitioner's father and her relatives and also the petitioner has given a complaint before the Mannargudi Police Station. He further submitted that he has no objection to transfer the case to any other Court except the Family Court, Mannargudi.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing on either side, this Court is of the view that both HMOPs may be transferred to Thanjavur, which is in between Mannargudi and Thiruchirappalli.

6. Accordingly, both the HMOP Nos.44 and 152 of 2020 pending on the file of the Principal Subordinate Court, Tiruchirappalli and the file of Family Court, Mannargudi respectively are withdrawn from the file of respective Courts and transferred to the file of the Family Court, Thanjavur, for disposal as per law. Both the Courts are directed to transmit the papers to the file of the Family Court, Thanjavur, forthwith.

<https://hcservices.ecourts.gov.in/hcservices> with the above direction, this Transfer Civil



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Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

trp

To:

1. The Principal Subordinate Court, Tiruchirappalli.
2. The Family Court, Mannargudi.
3. The Family Court, Thanjavur.

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RD(22.10.2021) 3P 4C