



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2021

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P (MD)No.248 of 2021

and

C.M.P (MD)No.4762 of 2021

Suji Thanagaraj

... Petitioner/Respondent

-vs-

N.T.Praveen

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying this Court to withdraw the above H.M.O.P.No.216 of 2021 from the file of Family Court, Tiruppur and transfer the same to the Court of the Family Court, Dindigul and decide the same.

For Petitioner : Mr.J.Lawrance

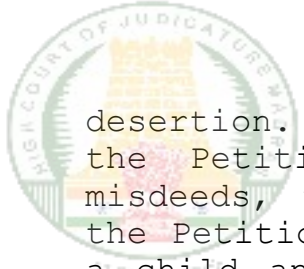
O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the above H.M.O.P.No.216 of 2021 from the file of Family Court, Tiruppur and transfer the same to the Court of the Family Court, Dindigul and decide the same.

2.Heard the learned counsel appearing for the Petitioner and perused the materials placed before this Court.

3.The learned counsel for the Petitioner would submit that the marriage between the Petitioner and the respondent was solemnized on 13.12.2018 at Arulmighu Chenniyandavar Temple, Karur in accordance with the Hindu customary rights and ceremonies. At the time of marriage, sufficient gold jewels and household articles were given as Sreedhana by the parents of the Petitioner and after marriage, the Petitioner and respondent started their matrimonial life at the respondent's house and thereafter, they shifted their residence to Bangalore due to the employment of the respondent. Thereafter, the Petitioner became pregnant and later, the respondent started neglecting her and she came for delivery to her parents house and she delivered a child on 1.9.2019. In the meanwhile, the respondent refused to take back the Petitioner to the matrimonial home and demanded additional amount and five sovereigns of gold jewels and when the Petitioner's father was unable to give those things, the respondent started harassing her and thereafter since 1.8.2020, the Petitioner is living in her parents house.

4.The learned counsel further submitted that the respondent has neglected and deserted her, whereas, the respondent has filed a petition in H.M.O.P.No.261 of 2021 before the Family Court, Tiruppur under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights, by inventing frivolous allegations of cruelty and



desertion. The real intention of the respondent is not to take back the Petitioner to the matrimonial home, however to hide his misdeeds, the present transfer petition is filed only to harass the Petitioner. He would further submit that the Petitioner has got a child and she finds it difficult to travel from Dindigul to Tiruppur for every hearing and if the case is transferred to Dindigul, there is every chance of the matter being settled. In the case of **Vaishali Shridhar Jagtap .vs. Shridhar Vishwanath Jagtap** reported in **(2016) 14 Supreme Court Cases 356**, the Honourable Apex Court has held that the High Court had erred in overlooking that comparative hardship was more to the appellant/wife while declining the appellant's prayer for transfer of divorce case from Mumbai to Barshi.

5. Though notice was served on the respondent and his name being printed in the cause-list, there is no appearance on behalf of the respondent, either in person or through counsel.

6. Taking into consideration the above facts and circumstances and the submissions made by the learned counsel for the Petitioner that the Petitioner finds it difficult to travel from Dindigul to Tiruppur for every hearing with the child, this Court is inclined to allow the present Transfer Civil Miscellaneous Petition.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.216 of 2021, pending on the file of Family Court, Tiruppur is withdrawn and transferred to the file of Family Court, Dindigul, for disposal in accordance with law. The Family Court, Tiruppur is directed to transmit the entire case records to the file of Family Court, Dindigul, forthwith. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

vsn

To

1. The Judge, Family Court, Tiruppur.
2. The Judge, Family Court, Dindigul.

+1 CC to M/s. J. LAWRENCE, Advocate (SR-25694[F] dated 09/08/2021)

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