



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.339 of 2021
and
C.M.P. (MD) No.6940 of 2021

Monisha .. Petitioner/Respondent

-vs-

S.Siddharth .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer the H.M.O.P.No.256 of 2021 pending on the file of Family Judge, Tiruchirapalli to Sub Court, Devakottai.

For Petitioner : Mr.P.Edinbrough

For Respondent : Mr.H.Lakshmi Shankar

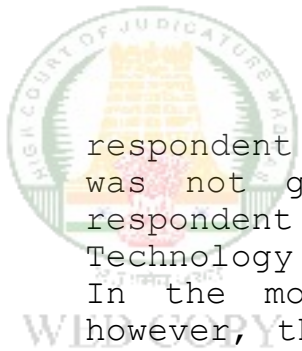
ORDER

The petitioner in this Transfer Civil Miscellaneous Petition is the wife, who is the respondent in the proceedings in H.M.O.P.No.256 of 2021, pending on the file of the Family Court, Tiruchirapalli.

2.The petitioner herein has filed the above transfer petition under the provisions of Section 24 of Code of Civil Procedure, 1908 seeking to transfer H.M.O.P.No.256 of 2021 from the file of the Family Court, Tiruchirapalli to Sub Court at Devakottai.

3.The circumstances in which the above petition has been filed are hereinbelow narrated:-

3.1.It is the case of the petitioner that the marriage between the respondent and herself had been solemnized as per the Hindu Rights and Customs on 18.04.2018 at Thiruverambur, Trichy. After the marriage, which had been celebrated with a great deal of pomp and show with her parents providing adequate gold jewellery and Streedhana articles, she had started her matrimonial life with the respondent and his mother. At the time of the marriage, though the



respondent had completed his Doctorate in Mechanical Engineering, he was not gainfully employed anywhere. After the marriage, the respondent joined the Mother Theresa College of Engineering and Technology at Trichy on 02.05.2018, as he had got a placement there. In the month of November, 2018, the petitioner had conceived, however, the respondent did not take any interest in the mental as well as the physical health of the petitioner.

3.2.It is the further case of the petitioner that the respondent and his mother were only interested in money and the best attempts on the part of the petitioner to appease the respondent and his mother went in vain. In fact, the respondent's mother encouraged the respondent to behave badly with the petitioner.

3.3.The petitioner and the respondent were blessed with a male child on 29.07.2019 and after visiting the hospital to just have a look at the child, the respondent and his mother did not visit the child thereafter. The petitioner returned to her matrimonial home along with the baby on 04.11.2019. But, however, there was no softening in the respondent's attitude. During the pandemic, the petitioner had returned to her maternal home along with the child and thereafter, the respondent was constantly quarrelling with the petitioner, which caused a great deal of emotional turmoil in the petitioner's mind. While so, she was suddenly served with a summons from the Family Court at Tiruchirapalli asking her to appear on 24.05.2021 before the Family Judge, Tiruchirapalli, as the respondent had filed H.M.O.P.No.256 of 2021. Under these circumstances, the petitioner sought to have the proceedings transferred from the Family Court, Tiruchirapalli to the Sub Court, Devakottai.

4.The respondent had entered appearance through counsel and both the counsel had made their submissions.

5.Heard the learned counsels and perused the records.

6.The petitioner/wife is presently residing now at Sivagangai District and the matter is pending before the Family Court at Tiruchirapalli as a result of which, the petitioner has to travel to Trichy to attend every hearing of H.M.O.P.No.256 of 2021. She also has to take care of her two year old child and she cannot travel by herself to attend the hearing at Family Court, Tiruchirapalli. However, if the matter is transferred to the Sub Court, Devakottai, there may not be any necessity for the petitioner and the respondent to attend every hearing of the case before the Sub Court, Devakottai and it would suffice if they appear before the Court only for adducing evidence. In these circumstances, the request of the petitioner appears to be reasonable and she has also made out a case for seeking the transfer. Under these circumstances, Tr.C.M.P(MD)



No.339 of 2021 is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Judge,
Family Court, Tiruchirapalli.

2.The Sub Judge, Devakottai.

+1 CC to M/s.H. LAKSHMI SHANKAR, Advocate (SR-
33733[F] dated 08/11/2021)

Tr.C.M.P. (MD) No.339 of 2021

Dated: 08.11.2021

MGJ/JGB(18.11.2021) 3P 4C