



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.374 of 2021

and

C.M.P. (MD) No.7473 of 2021

WEB COPY

Mrs.Shalini @ Megala

.. Petitioner/Respondent

-vs-

Mr.K.Baskar

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer O.P.No.112 of 2020 pending on the file of Sub Court, Cheyyar to the Family Court, Thanjavur.

For Petitioner : Mr.P.Edinbrough
For Respondent : No appearance

ORDER

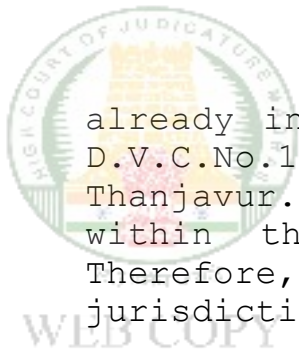
The respondent/wife in a petition for divorce is the petitioner before this Court seeking transfer of O.P.No.112 of 2020 pending on the file of the Sub Court, Cheyyar to the file of the Family Court at Thanjavur.

2.The petitioner and the respondent had got married on 11.11.2018 and after the marriage, they were living at Melakodungaalur, Thiruvannamalai District. The petitioner would submit that she had suffered enormous mental and physical harm at the hands of the respondent and his parents. The respondent had not treated her with due respect and care. From the year 2019, they have been living separately after the respondent had dropped her back at her parents' place. The petitioner was constrained to initiate proceedings under the Domestic Violence Act, before the Judicial Magistrate-II, Thanjavur in D.V.C.No.16 of 2020 and the same is pending. In this backdrop, the respondent has come forward with this petition for divorce on the file of the Sub Court, Cheyyar. The petitioner is living at Thanjavur with her parents and the respondent has not been giving her any maintenance. Therefore, she sought to have the O.P. Transferred.

3.The respondent, though served, had not entered appearance either through counsel or through pleader.

4.On hearing the learned counsel appearing for the petitioner and perusing the records, it is seen that the petitioner had

<https://hcservices.courts.gov.in/hcservices/>



already initiated proceedings under the Domestic Violence Act in D.V.C.No.16 of 2020 on the file of the Judicial Magistrate-II, Thanjavur. Further, the petitioner is residing at Thanjavur within the jurisdiction of the Family Court at Thanjavur. Therefore, the Family Court at Thanjavur is also vested with the jurisdiction to try the petition for divorce.

5.Taking into account the above, this Transfer Civil Miscellaneous Petition is allowed as prayed for. The O.P. pending on the file of the Sub Court, Cheyyar in O.P.No.112 of 2020 is withdrawn and transferred to the Family Court at Thanjavur. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /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 Sub Judge, Cheyyar.

2.The Family Court, Thanjavur.

Tr.C.M.P. (MD) No.374 of 2021

25.11.2021

TSK(CO)

SB(22.12.2021) 2P 3C