



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.481 of 2021
and C.M.P. (MD) No.9039 of 2021

WEB COPY

G.Maheswari .. Petitioner/Respondent

-vs-

E.Paul Pandi .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 read with Rule 1(2) Civil Procedure Code to withdraw H.M.O.P.No.160 of 2020 on the file of Sub Court, Theni and transfer the same to the file of Sub Court, Srivilliputhur.

For Petitioner : Mr.N.Dilip Kumar
For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking transfer of H.M.O.P.No.160 of 2020 pending on the file of the Sub Court, Theni, to the file of the Sub Court, Srivilliputhur.

2.The petitioner has filed this application on the ground that she had suffered immense torture both mentally as well as physically at the hands of the respondent/husband on several occasions. She had tried to continue to live with the respondent only on account of the fact that she had two female children. However, finally she had to move out of the matrimonial home on account of the pressure that she had undergone. The petitioner would submit that each time when she files a petition, the respondent herein would convince the petitioner to withdraw the case filed by her and after the petitioner withdraws the case, the respondent would once again revert to his old self.

3.The main grouse of the petitioner is that the petitioner has not borne him a male child. The petitioner would submit that now the respondent is not maintaining either her or her two daughters, the first of whom is now studying in the XI Standard and the second in the VIII Standard. Their entire expenditure is met by her father, who is a Class IV employee with the Union Bank of India, Rajapalayam. Therefore, if she is made to attend the proceedings at Theni, she would have to not only travel this long distance, but would also have to spend considerable money and her



Therefore, she sought for the transfer.

4.Heard the learned counsel for the petitioner. The respondent, though served, had not entered appearance.

5.Considering the reasons given in the affidavit, it is clear that the petitioner would be put to a lot of hardship, if she is made to travel to Theni to attend the hearings and further, considering the fact that the respondent/husband is not discharging his duty either as a husband or as a father in maintaining his wife and children, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.160 of 2020 pending on the file of the Sub Court, Theni, is withdrawn and transferred to the file of Sub Court, Srivilliputhur. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

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, Theni.

2.The Sub Judge, Srivilliputhur.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-40010[F] dated 22/12/2021)

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NSN (CO)

SB(20.01.2022) 2P 4C

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