



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.214 of 2018

and

C.M.P. (MD) No.5223 of 2018

WEB COPY

P.Ramalakshmi

.. Petitioner/Respondent

-vs-

E.Sadha

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.2139 of 2018 on the file of Family court, Chennai and transfer the same to the file of Sub Court, Tuticorin.

For Petitioner : Mr.S.Kumar

For Respondent : Mr.R.S.Kirubakaran
for Mr.K.Manikandan

ORDER

The above petition is filed by the petitioner/wife to transfer H.M.O.P.No2139 of 2018 pending on the Family Court at Chennai to the Sub Court, Tuticorin.

2.It is the case of the petitioner that she had married the respondent on 16.05.2010 at Tuticorin. Her parents had provided her with adequate gold, cash and household articles. After marriage, the petitioner and the respondent had set up their matrimonial home at Chennai along with the respondent's mother. The petitioner would submit that thereafter her mother-in-law and husband started harassing her stating that she was not a degree holder. They had sent her back to her parents' house asking her to complete her graduation and then return to the matrimonial home. The petitioner accordingly completed her course and returned to her matrimonial home. Thereafter, the respondent and his mother started harassing her for more dowry. Not able to withstand the harassment, the petitioner was forced to leave her matrimonial home and her husband and mother-in-law had driven her to the same. From the year 2012, she has been living with her parents and the respondent has not provided any maintenance to her. She had all along waited for her husband to rejoin her. However, to her shock and surprise, she had received the notice in the above referred HMOP filed by her husband, seeking divorce.



3.The petitioner would submit that she is totally dependent on her parents for her day-to-day living and since the proceeding is before the Family Court, her presence for every hearing is imperative. She would submit that she had to travel 600 kms for every hearing and further she had no financial support from the respondent. Therefore, the above petition for transfer had been filed.

4.The respondent had entered appearance through counsel and he would submit that the petition be transferred to a place which is equi-distant distance for both as he feared for his life, if he is made to appear in Sub Court at Thoothukudi, since the petitioner's relatives are influential people and would harm him physically.

5.Heard the learned counsel appearing on either side and perused the records.

6.The record would reveal that this Court had attempted to mediate the dispute between the parties. However, the report of the mediation centre shows that all efforts to mediate between the parties had ended in a failure. The petitioner is seeking to have the matter transferred to the Subordinate Judge Court, which does not insist upon the presence of the parties for every hearing. Therefore, it would suffice if the respondent appears before the Court to adduce evidence alone. Therefore, the contention of the respondent is ill-founded.

7.Be that as it may, in order to assuage the fear of the respondent/husband, the Transfer Civil Miscellaneous Petition is ordered and HMOP No.2139 of 2018 pending on the file of the Family Court, Chennai, is withdrawn and transferred to the file of the Sub Court, Thoothukudi. The petitioner needs to appear before the Court only for adducing evidence and the learned counsel for the petitioner assures the Court that the cross examination of the respondent would take place on the very same day, when he deposes in chief. Further the learned Subordinate Judge, Tuticorin, is directed to dispose of HMOP No.2139 of 2018 within a period of three months from the date of receipt of a copy of the order. No costs. Consequently, connected miscellaneous petition is closed.

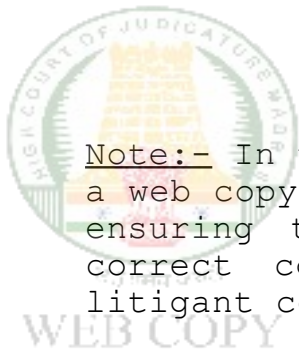
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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, Chennai.

2.The Subordinate Judge,
Tuticorin.

+1 CC to M/s.K.MANIKANDAN, Advocate (SR-37118[F] dated 02/12/2021)

+1 CC to M/s.S.KUMAR, Advocate (SR-37089[F] dated 02/12/2021)

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