



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.474 of 2019

and

C.M.P. (MD)No.11166 of 2019

WEB COPY

Meeha @ Meeha George

... Petitioner

-vs-

D.Sundramoorthy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the F.C.I.D.O.P No.9 of 2018 on the file of the Family Court, Chengalpattu and transfer the same to Additional District Court, Padmanabhapuram, Kanyakumari District.

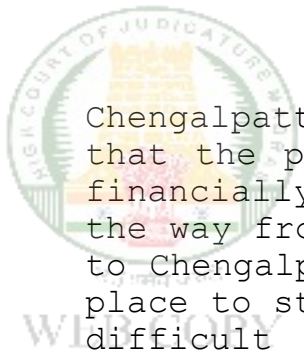
For Petitioner : Mr.T.Selvakumaran

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the F.C.I.D.O.P No.9 of 2018 on the file of the Family Court, Chengalpattu and transfer the same to Additional District Court, Padmanabhapuram, Kanyakumari District

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 15.06.2016 at Salvation Army Church, Thenguvilai Village, Thiruvathur, Kanyakumari District as per christian rites and ceremonies. At the time of marriage the parents of the petitioner had given gold jewels and other sreedhana articles to the respondent. Thereafter the petitioner lived in the house of the respondent at Chengalpattu for few days and during her stay the respondent demanded more dowry, harassed her and driven her out of the matrimonial home. Thereafter the petitioner was under the expectation that the respondent would come back and take her back to the matrimonial home. Mediation was held through the well wishers of the family. Whiles, the respondent had filed a petition seeking for divorce on the ground of cruelty raising false and untenable allegations as if the petitioner had committed cruelty on him. The marriage between the petitioner and the respondent was solemnized at Thenguvillai Village within the jurisdiction of Additional District Court, Padmanabhapuram, Kanyakumari District. Thereafter the petitioner and the respondent lived only for a brief period at Chengalpattu. The petition has been filed only to harass her by making her travel about 700 km from Thenguvilai Village to



Chengalpattu. The learned counsel for the petitioner would submit that the petitioner is now under the mercy of her parents who are financially not well and she finds it very difficult to travel all the way from Thenguvilai Village, Thiruvathur, Kanyakumari District to Chengalpattu and there is nobody to accompany her and she has no place to stay in Chengalpattu and she is a single woman also find it difficult to stay in Chengalpattu in a lodging house, thereby the petitioner seeks transfer of F.C.I.D.O.P No.9 of 2018 on the file of the Family Court, Chengalpattu to the Additional District Court, Padmanabhapuram, Kanyakumari District

3. This Court had ordered notice to the respondent and notice through court has been served on him on 03.11.2020, thereafter there was no representation for the respondent. This Court by an order dated 23.07.2021 had directed the petitioner to take substituted service by paper publication in one issue of Dinamalar Tamil Newspapers circulated at Chengalpattu District. The petitioner has also taken substituted service and necessary proof has also been filed. There is no representation for the respondent.

4. The marriage between the petitioner and the respondent was solemnized on 15.06.2016 at Salvation Army Church, Thenguvilai Village within the jurisdiction of Kanyakumari District. The petitioner has lived with the respondent for few days at Chengalpattu. The petitioner being a lady has to travel all the way from the Kanyakumari to Chengalpattu. Her parents are old and there is nobody to accompany her at Chengalpattu and she is also having no place to stay at Chengalpattu.

5. In the case of ***Amitha Shah vs- Virendar Lal Shah***, the Hon'ble Supreme Court reported in ***(2003)10 SCC 609*** has held that while deciding the case of transfer the convenience of the wife must be taken into account. Further in the case of ***Vaishali Shridhar Jagtap.vs. Shridhar Vishwanath Jagtap*** reported in ***(2016)14 Supreme Court Cases 356***, the Hon'ble Apex Court has held that the comparative hardship suffered by the wife has to be taken into account while deciding the petition for transfer of matrimonial proceedings.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, F.C.I.D.O.P No.9 of 2018 is withdrawn from the file of Family Court, Chengalpattu and transferred to the file of Additional District Court, Padmanabhapuram, Kanyakumari District, for disposal as per law. The Family Court, Chengalpattu, is directed to transmit the papers to the file of the Additional District Court, Padmanabhapuram, Kanyakumari District, forthwith. The Additional District Court, Padmanabhapuram, Kanyakumari District, is directed to dispose F.C.I.D.O.P No.9 of 2018 on merits and in accordance with law as expeditiously as possible.



7. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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To:

1. The Family Court, Chengalpattu

2. The Additional District Court, Padmanabhapuram, Kanyakumari District.

+1 CC to M/s. T. SELVAKUMARAN, Advocate (SR-25969[F] dated 11/08/2021)

Tr.C.M.P. (MD) No. 474 of 2019

and

C.M.P. (MD) No. 11166 of 2019

10.08.2021

RD(23.08.2021) 3P 4C