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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.900 of 2021

and

C.M.P.No.20111 of 2021

E.Kavitha

... Petitioner

-Vs-

A.Palanivel

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.508 of 2021 on the file of the learned Judge, Family Court, Salem and transfer the same to the file of the learned Sub Judge, Poonamallee or any other Court.

For Petitioner : Mr.P.Vasanth

For Respondent : Mr.N.Manokaran

ORDER

The above transfer petition is filed by the wife seeking transfer of H.M.O.P.No.508 of 2021, filed by the husband on the file of the Family Court, Salem, for divorce to the file of the Subordinate Court, Poonamallee.

2.The petitioner would contend that the marriage between herself and the respondent had been solemnized on 19.03.2018. After the marriage, the respondent had started to torture the petitioner both physically and mentally asking her to sell her gold jewels, silver articles and her father's ancestral properties. Prior to her marriage, the mother of the petitioner passed away and after her marriage, her father also died. On 26.04.2021, the respondent had brutally attacked the petitioner and demanded that she sell the properties. Therefore, the petitioner lodged a complaint to the All Women Police Station, Salem and the same is pending for enquiry. In the interregnum,



the respondent had filed proceedings in HMOP No.508 of 2021 on the file of the Family Court, Salem, for divorce.

3.The reasons for seeking the transfer are as follows:

1.The petitioner is residing at Avadi, Chennai in her parent's house.

2.The respondent husband has not provided any maintenance to the petitioner.

3.The distance between Chennai and Salem is too far and she cannot travel each time to attend the hearings. Further, the petitioner has no one to accompany her to the Family Court, Salem or to support her financially.

4.The respondent/husband and his family members are influential persons in Salem."

4.The learned counsel for the respondent would submit that the petitioner has lived with the respondent for only six months at Salem and thereafter, continued to live with her parent's house at Avadi. At the time of marriage, the respondent presented 24 sovereigns of gold ornaments and Rs.5,00,000/- to renovate her house at Avadi. The petitioner removed her mangalsutra on 10.06.2019 stating that she is not willing to continue her matrimonial life. Hence, the respondent filed HMOP.No.508 of 2021 for divorce.

5.Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the papers.

6.Considering the fact that the wife is residing at Chennai, this Court is of the considered view that the request for transfer should be allowed. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.508 of 2021, pending on the file of the Family Court, Salem, is withdrawn and transferred to the file of the Subordinate Court, Poonamallee. No costs. Consequently, connected Miscellaneous Petition is closed.

It is informed that the respondent has not filed their counter in the HMOP proceedings. Therefore, a direction is given to the petitioner herein to file her counter within a period of fifteen days from the date of receipt of the



records before the Subordinate Court, Poonamallee. The learned Judge shall dispose of the petition on or before 30.09.2022.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mps

To

1.The Judge,
Family Court,
Salem.

2.The Sub Judge,
Poonamallee.

+1 CC to Mr.N.Manokaran, Advocate sr 17914

+1 CC to Mr.P.Vasanth, Advocate sr 17931.

Tr.C.M.P.No.900 of 2021
and
C.M.P.No.20111 of 2021

RR(CO)
SP(28/04/2022)