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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.939 of 2021

1.C.Vijayalakshmi
2.Minor C. Karthika
3.Minor C.Jeevitha

... Petitioners/Petitioners

-Vs-

C. Mariappan

... Respondent/Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw F.C.M.C.No.34 of 2019 on the file of District and Sessions Court, Dharmapuri and transfer it to the file of the Judicial Magistrate Court, Pennagaram, Dharmapuri.

For Petitioner : Mr.Reshmi Christy

For Respondent : Mr.M.Selvam

ORDER

The above Transfer Civil Miscellaneous Petition is filed seeking transfer of F.C.M.C.No.34 of 2019 on the file of District and Sessions Court, Dharmapuri to the file of the Judicial Magistrate Court, Pennagaram, Dharmapuri.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 10.02.2006 at Sillarahalli as per Hindu rites and customs. Out the wedlock, they had two girl children born in 2007 and 2011, respectively. Thereafter, the respondent used to harass the petitioner physically and mentally and demanded money from the parents of the petitioner. The respondent filed a restitution petition in M.O.P.No.17 of 2009 before the Sub Court, Harur and thereafter, filed F.C.H.M.O.P.No.60 of 2015 for divorce and the same was allowed on 29.09.2016. The petitioner filed C.M.A.No.98 of 2017 before this Court and the respondent also filed G.W.O.P.No.19 of 2021 to appoint him as a guardian to his elder daughter alone and the same was dismissed on 18.03.2005.

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

"1.The children are studying in 6th and 10th standard. The petitioner is working as a PET



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Teacher in GHS, Adagapadi, Dharmapuri,

2.The respondent husband has not provided any maintenance to the petitioner and the children. The entire educational expenses of the children were borne by the petitioner's father till his death.

3.The respondent/husband and his family members are influential persons in Dharmapuri."

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

5.The respondent husband admittedly is not maintaining the petitioner and her daughter. The entire expenses of their food, clothing and education was borne by the petitioner's father who is now no more. That apart, the wife has expressed her apprehension for appearing before the Court as she has been threatened by the respondent and his family members. She is working as a P.E.T. Teacher at the GHS, Adagapadi, Dharmapuri which falls within the jurisdiction of the Judicial Magistrate, Pennagaram.

Under these circumstances, the request for transfer is justified and accordingly, the petition is allowed. F.C.M.C.No.34 of 2019 pending on the file of the District and Sessions Court, Dharmapuri, is withdrawn and transferred to the file of the Judicial Magistrate Court, Pennagaram, Dharmapuri. The learned Judicial Magistrate, Pennagaram, shall take HMOP only after the disposal of maintenance case. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate,
Pennagaram,Dharmapuri District.

2.The District and Sessions Judge,
Dharmapuri.

+1cc to Mr.Reshmi Christy, Advocate, S.R.No.19064

+1cc to Mr.M.Selvam, Advocate, S.R.No.18630

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MG(CO)

SB(05/05/2022)