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Tr.CMP(MD)No.97 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Tr.CMP(MD)No.97 of 2022
and
CMP(MD)Nos.2113, 4047 of 2022

Dr.L.Mariya Diana Gladish

: Petitioner

Vs.

Dr.A.Jiju Antony Christian

: Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in D.O.P.No.370 of 2021 from the file of the Family Court, Tirunelveli and transfer the same to the file of the Family Court, Thanjavur.

For Petitioner : Mr.V.S.Kumaraguru

For Respondent : Mr.R.Maheswaran

ORDER

The parties before this Court are husband and wife and their marriage was solemnized on 06.09.2018. The relationship between the parties got strained and the petitioner / wife has filed D.V.C.No.58 of 2021 before the Additional Mahila Court,



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Thanjavur, under Section 12 of the Prevention of Women from Domestic Violence Act as against the respondent and his parents. Thereafter, respondent / husband has filed D.O.P.No.370 of 2021 before the Family Court, Tirunelveli, seeking divorce. In order to transfer the petition filed by the respondent / husband in D.O.P.No.370 of 2021 from the file of the Family Court, Tirunelveli to the file of the Family Court, Thanjavur, the petitioner has moved the instant revision petition.

2.Learned Counsel for the petitioner submitted that it is very difficult for the petitioner to attend each and every hearing before the Court at Tirunelveli. After the lodging of the complaint under the Prevention of Women from Domestic Violence Act before the Court at Thanjavur, the respondent has filed this application before the Court at Tirunelveli, only to harass her.

3.Learned Counsel for the respondent / husband submitted that the divorce petition was filed in the year 2021 and most of the pleadings have already been completed. The trial is yet to commence. Both the petitioner and the respondent are Doctors. They have already arrived upon a settlement before the Church Court in the year 2021 and pursuant to the same, all the jewels of the petitioner were handed over to her. The petitioner is now pursuing higher studies at Mysuru and she is represented by her father / power agent in the divorce petition pending before the Family Court, Tirunelveli.



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4. This Court paid its anxious consideration to the rival submissions and also to the materials placed on record.

5. The petitioner is a Doctor by profession and now, she is pursuing higher studies at Mysuru. Admittedly, she is contesting the divorce petition in D.O.P.No.370 of 2021 before the Family Court, Tirunelveli, through her father / power agent. Therefore, this Court is not inclined to entertain this transfer application.

6. Accordingly, this petition stands dismissed. However, considering the age of the proceedings, the Family Court, Tirunelveli, shall endeavour to expedite and dispose of the case, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

Index : Yes / No

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Internet : Yes

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To

1. The Judge,
Family Court, Tirunelveli.

2. The Judge,
Family Court, Tirunelveli.



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B.PUGALENDHI, J.

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