



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.291 of 2021
and
C.M.P.(MD) No.6214 of 2021

P.Dhivya Shamini ... Petitioner/Respondent

-vs-

Immanuel ... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in DOP.No.129 of 2021 on the file of the District Court, Tirunelveli and transfer the same to the file of the District Court or Family Court at Kanyakumari District.

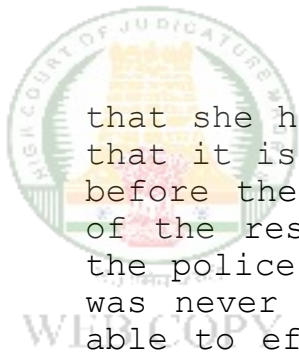
For Petitioner : Mr.G.Anto Prince

For Respondent : Mr.T.Selvan

ORDER

The petitioner/wife has filed the above transfer petition to transfer the divorce proceedings pending before the District Court, Tirunelveli in DOP No.129 of 2021 to the file of the District Court or Family Court at Kanyakumari.

2.The petitioner would submit that the marriage between the respondent and the petitioner took place on 29.08.2019 at Nagercoil and a male child was born out of this wedlock on 30.05.2020. The allegation against the respondent/husband is that the respondent was physically abusing the petitioner and during one such incident, she was so brutally assaulted that she had to be admitted in the Government Medical College Hospital at Asaripallam. The petitioner would submit that her husband is engaged in the business of quarrying and is therefore a highly influential man. The petitioner would submit that the influence of the respondent extended to the police officials and in fact on 15.03.2021, she was asked to appear before the Inspector of Police, Panagudi Police Station and the Police officials, without giving her permission to read what is written, had compelled her to sign the papers. On 24.03.2021, she had tried to check the status of CSR Number and to her shock, it was stated that compromise was effected. The truth of the matter is



that she has not compromised with the respondent. She would submit that it is very unsafe for her and her one year old child to appear before the District Court at Tirunelveli, which is the home ground of the respondent herein. She would submit that her complaint to the police at Tirunelveli for taking action against the respondent, was never considered. Therefore, she fears that she would not be able to effectively and safely conduct the case at District Court, Tirunelveli. The petitioner is residing at Kanyakumari within the jurisdiction of the District Court, Kanyakumari. Therefore, the interest of justice would be served, if the DOP is transferred to the file of the District Court at Kanyakumari.

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

4.The records would show that the petitioner and her son are living at Kanyakumari. Further the respondent is not paying any maintenance to the petitioner or to his son. The petitioner has also stated that she has been brutally assaulted by her husband for which she had to undergo treatment and she has also narrated as to how her husband wields a great deal of influence in Tirunelveli. Therefore, considering the fact the petitioner and her minor child are residing at Kanyakumari, interest of justice would be subserved, if the transfer civil miscellaneous petition is allowed.

5.In the result, this Transfer Civil Miscellaneous Petition is allowed and petition in DOP No.129 of 2021 on the file of the District Court, Tirunelveli, is withdrawn and transferred to the file of the District Court, Kanyakumari.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

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, District Court,
Tirunelveli

2.The Judge, District Court,
Kanyakumari District.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-657[F] dated 06/01/2022)

Tr.C.M.P.(MD) No.291 of 2021
and

C.M.P.(MD) No.6214 of 2021

Dated: 06.01.2022

RK(04/02/2022) 3P 4C