



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE **MS.JUSTICE P.T.ASHA**

TR.CMP. (MD)No.296 of 2021

and

CMP. (MD)No.6304 of 2021

Sumathi Periyanaayagi ... Petitioner/Respondent

Vs.

V.Vigneswaran ... Respondent/petitioner

PRAYER:- Civil Revision Petition filed under Section 24 r/w 151 CPC., to withdraw and transfer the case in HMOP.No.1812 of 2021 on the file of the learned Family Court, Chennai and to transfer the same to the file of the Family Court, Tirunelveli.

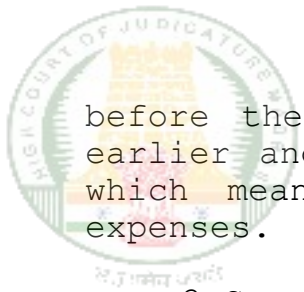
For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.L.Shajichellan

ORDER

The wife has invoked the jurisdiction of this Court under Section 24 of the Civil Procedure Code seeking transfer of the petition filed by her husband on the file of the Family Court, Chennai seeking dissolution of the marriage between him and the petitioner conducted on 11.04.2010.

2.The petitioner would submit that she had suffered a great deal of mental torture and cruelty at the hands of her husband as he made allegation that she suffered from mental illness and had intimacy with another person. However, the petitioner, in the hope that he would change, has continued to discharge her duties as wife. The petitioner would also submit that after the marriage, the petitioner and the respondent were living in United States of America and in 2017 they had returned to India and re-settled in Chennai. The respondent had sent the petitioner to her parental home and for the reasons best known for him, had not come forward to take her back to her matrimonial home. But, however, she has now been served with the summons. She would submit that the respondent has not provided any maintenance to her and she is entirely living at the mercy of her parents. Since the proceedings are now pending before the Family Court, Chennai her presence for every hearing is essential. She is residing at Tirunelveli and for the every hearing



before the Family Court, Chennai she would have to travel a day earlier and would have to stay at Chennai at least for two days, which meant that she would have to incur a lot of financial expenses.

3.Considering the fact that the respondent has not bothered to maintain her, interests of justice requires that the case in HMOP.No.1812 of 2021 be transferred to the file of the Family Court at Tirunelveli, which is also has jurisdiction to entertain the petition, being the place where the marriage had taken place and the petitioner/wife is now resided.

4.The learned counsel appearing for the petitioner would reiterate the contention made in the petition.

5.The learned counsel appearing for the respondent would submit that the respondent would be subjected to physical harm, if he travels to Tirunelveli, which is the base of his in-laws. He would, therefore, submit that the petition may be transferred to some other place midway.

6.Such request cannot be entertained, since only the Courts, which are conferred with the jurisdiction under the Act can entertain the petition. Be that as it may, there is just an allegation of physical threat, with no substantial proof of the same. The husband, who admittedly has not given maintenance to her wife all these years, is not justified in demanding the presence of the wife for every hearing at Chennai. Therefore, this transfer civil miscellaneous petition is ordered as prayed for. The case in HMOP.No.1812 of 2021 is withdrawn from the file of the Family Court, Chennai and transferred to the file of the Family Court, Tirunelveli. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gns

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 Family Court, Chennai.

2.The Family Court, Tirunelveli.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-1977[F] dated 21/01/2022)

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-2080[F] dated 21/01/2022)

TR.CMP.(MD)No.296 of 2021

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