



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.548 of 2021

and

C.M.P. (MD) No.9893 of 2021

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S.Venkata Priya

... Petitioner/ Respondent

-vs-

M.Harish

... Respondent / Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the case in HMOP.No.784 of 2021 on the file of the Family Court, Madurai, Madurai District to Family Court, Sivagangai, Sivagangai District.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.R.Venkatesan,
for M/s.Right Law Associates

ORDER

The above application is filed by the petitioner / wife seeking transfer of the petition for divorce filed by her husband in HMOP No.784 of 2021 on the file of the Family Court at Madurai to the file of the Family Court, Sivagangai, Sivagangai District.

2.The case of the petitioner is that she had been given marriage to the respondent on 30.06.2017 spending huge sums of money on the wedding and gifting gold, silver, automobile, landed property and household articles worth several lakhs. The petitioner would submit that her matrimonial life turned into a horror story as the respondent on the instigation of his family members started physically abusing the petitioner demanding dowry and further money. She was in fact physically assaulted on 17.02.2019 and thrown out of the matrimonial home and attempts for re-conciliation did not happened. The petitioner would submit that all her sridhana articles are in the custody of the respondent. She would submit that to date she has not been maintained by the respondent/husband. She has also initiated the proceedings under the Domestic Violence Act before the Additional Mahila Fast Track Court (Magistrate Level), Sivagangai in DVOP No.8 of 2021. She is presently working as Assistant Lecturer in the Velammal Engineering College, Madurai. She would submit that HMOP has been filed before the Family Court, Madurai, which requires presence of the petitioner for every hearing. The respondent, who has not only taken away all her



belonging and valuables, has also failed to maintain her and therefore, she would seek to have the transfer.

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

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4. The petitioner made out sufficient cause for transferring HMOP filed by her husband on the file of the Family Court, Madurai in HMOP No.784 of 2021 to the file of the Family Court at Sivagangai. The petitioner has also filed the proceedings in DVOP No.8 of 2021 which is also pending before the Additional Mahila Fastrack Court (Magistrate Level), Sivagangai. Therefore, the respondent/husband is already appearing at Sivagangai.

5. In these circumstances, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP No.784 of 2021 pending on the file of the Family Court, Madurai is withdrawn and transferred to the file Family Court at Sivagangai.

Sd/-

Assistant Registrar (Records)

// 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, Family Court,
Madurai, Madurai District.

2. The Judge, Family Court,
Sivagangai, Sivagangai District.

+1 CC to M/s.R.VENKATESAN, Advocate (SR-636[F] dated 06/01/2022)

+1 CC to M/s.S. BALAJI, Advocate (SR-679[F] dated 06/01/2022)

Tr.C.M.P.(MD) No.548 of 2021 and
C.M.P.(MD) No.9893 of 2021
Dated: 06.01.2022

RD(28.01.2022) 2P 5C

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