



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.567 of 2021
and
C.M.P. (MD) No.10209 of 2021

S.Sivasankari .. Petitioner/Respondent
-vs-
D.Thangavel .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw H.M.O.P.No.60 of 2020 on the file of the Sub Court, Vedasanthoor, Dindigul District and transfer the same to Sub-Court, Palani, Dindigul District.

For Petitioner : Mr.R.Babu Jaganath
For Respondent : Mr.B.Alagesh

ORDER

The wife has filed this petition seeking transfer of the proceedings filed by the husband for divorce on the file of the Sub Court, Vedasanthoor to the Sub Court, Palani.

2. The allegations made by the petitioner for seeking the transfer is that her husband had treated her with a great deal of cruelty and harassment and he was an alcoholic, though he was a Teacher by profession. The respondent/husband had forcibly taken her to her parental home on 17.01.2020 and left her at her parent's place. The petitioner would submit that the respondent has not given her any maintenance and she is totally dependent on her parents, who are coolie labourers. The petitioner was finding it difficult to engage a counsel for conducting her case at Vedasanthoor. Further, the respondent/husband has also lodged false complaints against her and on 19.10.2021, the respondent had forcibly entered the petitioner's parental home and threatened her to sign on a divorce paper and had threatened that he would do away with her if she comes to Vedasanthoor. Therefore, the transfer petition.

3. Learned counsel appearing for the petitioner fairly conceded that both the Courts are equidistance for them and it is also seen that the matter is pending before the Sub Court. The petitioner/wife seeks transfer on account of the threat by her



husband. Though, I am not quite taken in with this submission, however, considering the fact that the respondent/husband has not given any maintenance to the petitioner/wife and she is unemployed, this Court is inclined to order transfer.

4. In the result, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.60 of 2020 is withdrawn from the file of the Sub Court, Vedasanthoor, Dindigul District and transferred to the file of the Sub Court, Palani, Dindigul District. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 Sub Judge, Vedasanthoor, Dindigul.

2.The Sub Judge, Palani, Dindigul.

Copy to

The Section Officer, V.R.Section (Soft copy)
Madurai Bench of Madras High Court, Madurai

Tr.C.M.P. (MD) No.567 of 2021

Dated: 04.02.2022

SRR(CO)

KB(16.02.2022) 2P 4C