



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) Nos.597 and 598 of 2021
and
C.M.P. (MD) Nos.10830 and 10831 of 2021

Lakshmi ... Petitioner in both petitions

-VS-

Senguttavan ... Respondent in both Petitions

Prayer in Tr.C.M.P. (MD)No.597 of 2021:- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the HMOP.No.56 of 2016 from the learned Sub Court, Uthamapalayam, Theni District and transfer the same to the file of the Sub Court, Dindigul.

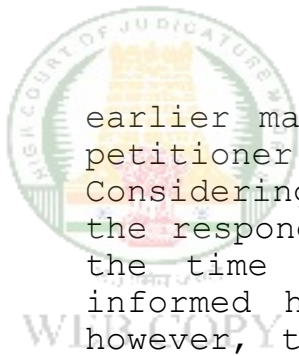
Prayer in Tr.C.M.P. (MD)No.598 of 2021:- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the HMOP.No.187 of 2021 from the learned Sub Court, Uthamapalayam, Theni District and transfer the same to the file of the Sub Court, Dindigul.

For Petitioner : Mr.J.Lawrance
For Respondent : Mr.N.GA.Natraj
for Mr.N.Ganagasapapathy
(in both petitions)

COMMON ORDER

The petitioner/wife who is the petitioner herein has filed two Transfer Civil Miscellaneous Petitions, seeking to transfer H.M.O.P.No.56 of 2016 filed by her husband/ the respondent herein, on the file of the Sub Court, Uthamapalayam, to the Sub Court, Dindigul. Likewise, she has also sought to have the petition for restitution of conjugal rights filed by her in H.M.O.P.No.187 of 2021 on the file of the Sub Court, Uthamapalayam to the Sub Court, Dindigul.

2. The brief facts narrated in the affidavit filed in support of the transfer petitions is that the petitioner herein had married the respondent on 07.03.2012 and out of this wedlock they have been blessed with a son Vishanth, who is now aged about eight(8) years and she later came to learn that the respondent had



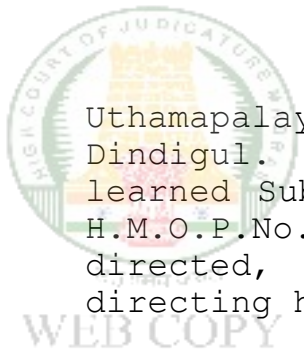
earlier married one Vani on 24.06.2010 and thereafter married the petitioner. However, this fact has been suppressed from her. Considering the welfare of her son, she had continued to live with the respondent, discharging her duties as wife. The respondent, at the time of contracting the marriage with the petitioner, had informed her family members that he had a Government job. But however, they had demanded dowry and thereafter additional dowry. The additional dowry was demanded in the guise of settling the loans that had been obtained for securing the Government job for the respondent herein. The petitioner refused to pander to this demand and thereafter she had been treated with the great deal of cruelty and harassment. The petitioner did not receive any money from the respondent even when they were living together. The petitioner however had to put up with this harassment for the welfare of her son.

3. In August, 2014, her mother had sustained injury in an accident. Therefore, her presence at her parental home was very essential. But the respondent and his parents did not allow her to visit her mother and take care of her mother. In view of the continuing harassment by the respondent, on the fact that he would not providing maintenance, the petitioner had look out for a Government job and therefore left for Kanyakumari, with the permission of the respondent for undergoing training. After completing the training, she returned to her matrimonial home. In 2014, the respondent and family members had demanded a sum of Rs.5,00,000/- from her parents which was refused by the petitioner. Angered by the same, she was physically abused and sent out from the matrimonial home. Thereafter the petition for divorce has been filed by the respondent and she in turn has filed a petition for restitution of conjugal rights.

4. The Court had directed the parties to appear before the Mediation centre with a sole intent to resolve the dispute between the parties. However, the respondent refused to attend the mediation sessions. She would submit that the respondent is not paying the monthly maintenance of Rs.5,000/- as directed by the Sub Court, Uthamapalayam in I.A.No.113 of 2019 in H.M.O.P.No.56 of 2016 on the contrary, but he is making the petitioner travel to Uthamapalayam. The petitioner would submit that she has now residing at her parental home which is in Dindigul. Therefore, she has taken out the instant applications.

5. Heard the respondent who has been served and had entered appearance through counsel.

6. Taking into account the fact that the respondent has not taken steps to comply with the interim orders, directing him to pay maintenance and as the petitioner is now residing at Dindigul, I am of the view that interest of justice would be sub-served, if both the parties are withdrawn from the file of the Sub Court,



Uthamapalayam and transferred to the file of the Sub Court at Dindigul. It is needless to state that after the transfer, the learned Subordinate Judge, Dindigul, shall not proceed to hear the H.M.O.P.No.56 of 2016, until such time as the maintenance as directed, is paid by the respondent/husband, unless the orders directing him to pay maintenance is reversed.

7. With the above direction, these Transfer Civil Miscellaneous Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn

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 Subordinate Judge, Uthamapalayam.
- 2.The Subordinate Judge, Dindigul.

COPY TO:-

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 Copies)

+2 CC to M/s.J.LAWRANCE, Advocate (SR-2206 & 2207[F]
dated 24/01/2022)

+1 CC to M/s.N.GANAGASAPATHY, Advocate (SR-2214[F]
dated 24/01/2022)

Tr.C.M.P. (MD) Nos.597 and 598 of 2021
and
C.M.P. (MD) Nos.10830 and 10831 of 2021

nsn (CO)

GC(09.02.2022) 3P 8C

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