



TR.C.M.P.(MD) No.191 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.191 of 2023

and

C.M.P.(MD) No.4164 of 2023

J.Sugirtha

... Petitioner

Vs.

Sivakumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in I.D.O.P.No.29 of 2023 from the file of the Additional District and Sessions Judges Court, Tenkasi and transfer the same to the Family Court, Tirunelveli for disposal.

For Petitioner : Mr.M.Sankar

For Respondent : Mr.I.Pinaygash

ORDER

This Transfer Civil Miscellaneous Petition has been filed to transfer I.D.O.P.No.29 of 2023 from the Additional District and Sessions Judges Court, Tenkasi to the Family Court, Tirunelveli.



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2. The said I.D.O.P. was filed by the respondent for Restitution of Conjugal Rights before Additional District and Sessions Judges Court, Tenkasi.

3. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

6. I humbly submit that I already made a complaint before the All Women Police Station, Tirunelveli on 25.01.2022, by requesting them to take steps to reunite with my husband. But there is no action for the said complaint. Also, I made my representation dated 02.02.2023 to the District Social Welfare Officer, Tirunelveli through Registered Post. The said representation is still pending before the concerned authority without any enquiry.

7. I humbly submit that moreover, I have taken several efforts to convince my husband for reunion. But all my efforts went in vain. Even now, my husband in making lot of tortures and harassments on me through phone and demanding dowry at the instigation of his family members.

8. I humbly submit that with an intention to get divorce against me, my husband, the respondent herein filed IDOP.No.29 of 2023 (Petition for divorce filed under sec.32 of Indian Divorce Act (Amended Act 51/2001) before the Hon'ble Additional District & Sessions Judge, Tenkasi. I have received a summon from the said court on 14-02-2023 and the said case is adjourned on 06.04.2023 for my appearance. The respondent/petitioner herein has purposely filed the



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above said IDOP before the Hon'ble Additional District & Sessions Court, Tenkasi with an intention to wreck vengeance against me. That too, he has very purposely filed the same at his native town Tenkasi.

9. I humbly submit that further, there is a life threatening on myself from my husband side and his relatives of the locality of Tenkasi area. I am week to travel to the distance of more than 70 kilometers from Tenkasi to Tirunelveli. Moreover, I am carrying, hence during the pregnancy period, I feel very much difficult to travel.

10. I humbly submit that in the circumstances, I am not able to conduct the case at Tenkasi. Hence, I am seeking to transfer of the proceedings of IDOP No.29 of 2023 from Hon'ble Additional District & Sessions Court, Tenkasi to Family Court, Tirunelveli.

4. Being satisfied with the above reasons, I am inclined to allow this Transfer Civil Miscellaneous Petition. Therefore, I.D.O.P.No.29 of 2023 is directed to be transferred from the Additional District and Sessions Judges Court, Tenkasi to the Family Court, Tirunelveli.

5. The Family Court, Tirunelveli shall dispose of I.D.O.P.No.29 of 2023 on its being re-numbered, as expeditiously as possible, preferably, within a period of 6 months from the date of receipt of a copy of this order.



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C.SARAVANAN, J.

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6. Considering the fact that the respondent is working at Bangalore, the physical appearance of the respondent shall stand dispensed with for regular and routine hearing. However, the respondent shall appear through his counsel and also appear in person before the Court as and when the Family Court, Tirunelveli requires the physical appearance of the respondent, failing which, the said I.D.O.P. shall be dismissed for no appearance.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

19.06.2023

NCC : Yes / No

Internet: Yes/No

Index: Yes/ No

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To

1.The Additional District and Sessions Judges Court, Tenkasi.

2.The Family Court, Tirunelveli.

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