



Tr.CMP.No.238 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.238 of 2024
and C.M.P.No.4807 of 2024

Beaulah Bennet

... Petitioner

Vs.

S.Saju Bengamin

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in I.D.O.P.No.372 of 2023 from the file of the learned District and Sessions Court, Thoothukudi to the file of the learned District and Sessions Court, Chengalpattu.

For Petitioner : Mr.L.Ramanathan

For Respondent : No Appearance

ORDER

The petitioner/wife filed this transfer petition seeking transfer of I.D.O.P.No.372 of 2023 from the file of the learned District and Sessions Court, Thoothukudi to the file of the learned District and Sessions Court, Chengalpattu.



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2. The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent took place on 14.01.2019 at Perungalathur as per the Christian rites and customs. In the marriage, the customary seedana articles were presented. The petitioner came to know that the respondent is having an affair with one Sofia, even before the marriage. It was questioned and there was a dispute between the petitioner and respondent in this regard. The said Sofia informed the same. Thereafter, the petitioner's parents were apprehensive in continuing with the marriage proposal. On the assurance given by the respondent and his father that the respondent shall have no connections with said Sofia and thereafter only the marriage solemnised. But contrary to the understanding given, the respondent continued his relationship with the said Sofia and hence serious dispute. In the meanwhile, the petitioner became pregnant and this was also against medical advice. Thereafter, for proper care and medical aid, she moved to her parents place and a premature girl baby was born on 25.07.2020. The respondent making demand of more dowry, forced the petitioner's family to buy a Torus Lorry for his business, which was refused, hence the respondent never bothered to visit the petitioner nor the new born.



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The petitioner filed a complaint under the Domestic Violence Act in D.V.C.No.5 of 2024 before the Judicial Magistrate-I, Tambaram. The respondent has to necessarily appear before the Judicial Magistrate in DVC case. Further, if the petitioner is to travel all the way from Chennai to Thoothukudi along with infant baby alone would cause severe hardship. Further, she is also apprehensive for her safety and well being of the child. The petitioner is a housewife. She is staying at Tambaram with her parents. She cannot travel all the way alone, hence, this transfer petition.

3. Though notice was served on the respondent, his name is appeared in the cause-list, there is no representation for the respondent.

4. Considering the submission and perusal of records produced, it is seen that the marriage between the petitioner and the respondent was solemnized on 14.01.2019 and a girl baby born on 25.07.2020, petitioner is a house wife under care of her parents staying in Tambaram. If she is to travel all the way from Chennai to Thoothukudi to attend the case it would be nothing but an harassment and cause hardship to her.



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5. In view of the same, this Court is inclined to transfer the case in I.D.O.P.No.372 of 2023 from the file of the learned District and Sessions Court, Thoothukudi to the file of the learned Family Court, Chengalpattu.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

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- 1.The District and Sessions Court,
Thoothukudi.
- 2.The District and Sessions Court,
Chengalpattu.
- 3.The Family Court,
Chengalpattu.



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M.NIRMAL KUMAR, J.

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