



WEB COPY

Tr. CMP.No.127 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. CMP.No.127 of 2025

and

C.M.P.No.2608 of 2025

T.Divyadharshini

... Petitioner

Vs.

Dr.S.Jaghadeesan

... Respondent

Prayer:- Transfer Petition is filed under Section 24 of the CPC to withdraw the case in HMOP No.159 of 2024 on the file of the Subordinate Court at Dharmapuri, Dharmapuri District and transfer the same to the Subordinate Court at Tirupattur, Tirupattur District thus render Justice.

For Petitioner : M/s.Ajith Kumar

ORDER

The above Petition is filed to withdraw the case in HMOP No.159 of 2024 on the file of the Subordinate Court at Dharmapuri, Dharmapuri District and transfer the same to the Subordinate Court at Tirupattur, Tirupattur District.



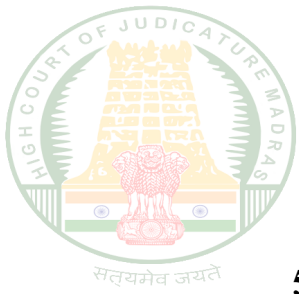
WEB COPY

2. The petitioner would submit that her marriage with the respondent was solemnized on 15.02.2021 as per Hindu rites and Customs.

At the time of the marriage, the petitioner's parents had gifted 65 sovereigns of gold jewels to her and 5 sovereigns of gold jewels to the respondent. That apart, her parents had provided her with household articles worth Rs.2,00,000/- and silver articles to the tune of Rs.1,00,000/-.

3. After her marriage, the petitioner had joined her husband and set up their matrimonial home at Dharmapuri in a joint family. The petitioner would submit that for the respondent, this was his 2nd marriage as his earlier marriage had ended in a divorce. It is her case that in the initial stage of marriage, the respondent had taken care of her but later he had completely changed and started abusing and assaulting her, demanding dowry. She was also subjected to cruelty and ill-treatment at the hands of the respondent's mother and sister. Aggrieved by the same, the petitioner had preferred a complaint against the respondent before the All Women Police Station.

4. While so, the petitioner had received a summons from the Subordinate Court at Dharmapuri in HMOP.No.159/2024, which was a petition for divorce filed by her husband, the respondent herein.



WEB COPY

5. The petitioner has thereafter instituted proceedings for restitution of conjugal rights in HMOP.No.102/2023 before the Subordinate Court, Tirupattur and had also filed a Domestic Violence Case in DVC.No.10/2023 on the file of the Judicial Magistrate Tirupattur. The petitioner would submit that since she is solely dependent on her parents for both her daily and basic needs and as her father is only a daily wage worker struggling to maintain the family, it would be extremely difficult for her to travel all the way to Dharmapuri to attend the hearing of the case. Such travel would not only cause mental and physical strain but also impose a financial burden on her. Therefore, she has filed this petition for transfer.

6. Heard the counsels for the petitioner and perused the records.

7. The matter is now pending before the Subordinate Court, where the presence of parties for every hearing is not mandatory, unlike in the case of the Family Courts, where the presence for every hearing is mandatory. The petitioner can engage the services of a counsel, which she would also be doing at Tirupattur and her presence would be required only



Tr. CMP.No.127 of 2025

at the time of trial. Therefore, the basis on which the transfer is sought for

does not merit consideration. Accordingly, the Transfer Civil

Miscellaneous Petition stands dismissed. No costs. Consequently, the

connected Miscellaneous Petition is closed.

07.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Court, Dharmapuri

2. Subordinate Court, Tirupattur



WEB COPY



Tr. CMP.No.127 of 2025

P.T. ASHA. J.,

(shr)

Tr. CMP.No.127 of 2025
and
C.M.P.No.2608 of 2025

07.02.2025