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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.31 of 2014 and 32 of 2014
M.P.Nos.1 and 1 of 2014

S.Nandhini ... Petitioner in both Tr.C.M.Ps
-Vs.-

M.Suresh ... Respondent in both Tr.C.M.Ps

Transfer Civil Miscellaneous Petitions filed under Section 24 of C.P.C praying to withdraw the case in G.O.P.No.67 of 2013 pending on the file of the Principal District Judge, Cuddalore and H.M.O.P.No.28 of 2013 pending on the file of the Principal Subordinate Judge, Cuddalore respectively and transfer both the cases to the Family Court, Chennai.

For petitioner ... Mr.P.G.Thiyagu
in both Tr.C.M.Ps

For Respondent
in both Tr.C.M.Ps ... No Appearance

O R D E R

Tr.C.M.P.No.31 of 2014 is filed for transfer of G.O.P.No.67 of 2013 pending on the file of the Principal District Court, Cuddalore to the Family Court, Chennai.

2. Tr.C.M.P.No.32 of 2014 is filed for transfer of H.M.O.P.No.28 of 2013 pending on the file of the Principal Sub Court, Cuddalore to the Family Court, Chennai.



3. H.M.O.P.No.28 of 2013 is filed by the husband for dissolution of marriage. G.O.P.No.67 of 2013 is also filed by the husband seeking to appoint him as the guardian for the minor child Nithyasri and allow him to retain custody of the said minor child.

4. Out of the wed-lock between the petitioner and the respondent, the above said female child was born and she is in the custody of the respondent/husband. It is stated that the respondent/husband has deserted the petitioner-wife. The petitioner-wife is now living with her parents in Chennai and she is contesting the above said cases. It is her grievance that she has no financial source to even sustain her livelihood. Moreover, her parents are aged and her father is a pensioner and pension is his only source for running the family. It is the further grievance of the petitioner-wife that for each and every hearing, she is unable to travel to Cuddalore without anybody's assistance and independently and as her parents are suffering from ailment, they could not accompany for travel. Hence, she has filed the above transfer petitions for the relief stated supra.

5. Though the respondent had been served with notice and a counsel has entered appearance and the counsel's name having been printed in the cause list, there is no representation for the respondent, either in person or through counsel.

6. In the Transfer cases, the convenience of the wife should be given preference for attending her case hearings. Taking into consideration the above facts and the grievances expressed by the petitioner, the Tr.C.M.Ps are ordered and G.O.P.No.67 of 2013 pending on the file of the Principal District Judge, Cuddalore and H.M.O.P.No.28 of 2013 pending on the file of the Principal Subordinate Judge, Cuddalore respectively shall stand withdrawn and both the said cases are transferred to the file of the Principal Family Court, Chennai. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar



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1. The Principal District Judge,
Cuddalore.
2. The Principal Subordinate Judge,
Cuddalore.
2. The Principal Judge,
Family Court, Chennai.

Tr.C.M.P.Nos.31 of 2014 and 32 of 2014
M.P.Nos.1 and 1 of 2014

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srg 8/3/2017