

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :20.12.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.CMP.(MD).No.488 of 2017

and

C.M.P.(MD).No.9751 of 2017

S.Nithya ... Petitioner/Respondent

vs.

S.Subash ... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure of Code to withdraw the case in H.M.O.P.No.309 of 2017, pending on the file of the learned Principal Sub Court, Thiruppur and transfer the same to any of the competent Court at Trichirappalli more particularly to Family Court, Trichirappalli.

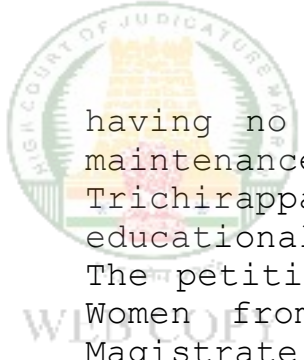
For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.T.C.S.Tillainayagam

ORDER

The petitioner/wife has come forward with this petition to withdraw the case in H.M.O.P.No.309 of 2017, pending on the file of the learned Principal Sub Court, Thiruppur and transfer the same to any of the competent Court at Trichirappalli.

2.The petitioner states that she was married to the respondent on 29.01.2010 and out of the wedlock, she gave birth to a male child on 19.11.2010. After the petitioner became pregnant she was dropped in her maternal uncle's house and after child birth also the respondent living in a separate home at Thiruppur. Thereafter, also the respondent used to pickup quarrels with the petitioner and on 16.02.2015, her parents came to the matrimonial house and questioned about his high handed act. Hence, a police compliant was lodged with all women police station (South), Thiruppur City and the case was registered against the respondent and his parents in Cr.No.3 of 2015 and the same was taken on file in C.C.No.559 of 2015 and pending before the learned Judicial Magistrate No.2, Thiruppur. Since the petitioner and her son were living with the petitioner's parents from the month of 2015 and



having no source of income of her, the petitioner has filed a maintenance case in M.C.No.63 of 2017 before the family Court, Trichirappalli seeking a sum of Rs.50,000/- per year for her son's educational purpose and Rs.10,000/- per month for maintenance. The petitioner has also filed a petition under the Protection of Women from Domestic Violence Act before the learned Judicial Magistrate (Mahila) Court, Trichirappalli and the same is pending in D.V.C.No.93 of 2017.

3.While so the respondent herein filed a petition in H.M.O.P.No.309 of 2017 seeking divorce and the same is pending in the learned Principal Sub Court, Thiruppur. The petitioner/wife states that she, being a lady, is dependant on her parents for her livelihood. She is not in a position to travel all the way from Tiruppur to Trichirappalli, which is more than 170 Km. Hence, the petitioner seeks transfer of H.M.O.P.No.309 of 2017, pending on the file of the learned Principal Sub Court, Thiruppur to any of the competent Court, Trichirappalli.

4.The learned counsel for the petitioner would submit that the respondent does not appear before the Family Court, Thiruppur, for every hearing. However, he has no objection if the matter is transferred to the Sessions Court, Trichy which is also exercising jurisdiction in family dispute matters.

5.The learned counsel for the respondent has no objection for the same.

6.Considering the reason stated by the petitioner and the fact that she being a lady with no source of income finds it difficult for travelling from Tiruppur to Trichy, this Court is inclined to entertain the petition.

7.In the result, this petition is allowed and the H.M.O.P.No.309 of 2017 is ordered to be withdrawn from the file of the learned Principal Sub Court, Thiruppur and transferred to the Family Court, Trichy for disposal. No costs. Consequently, Miscellaneous Petition is closed.

8.The family Court, Trichy is directed to dispose of both the cases as expeditiously as possible.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



Thiruppur.

2. The Judge,
Family Court,
Trichy.

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+ 1 cc TO Mr.T.C.S.Tillainayagam , Advocate in SR No. 93941

+ 1 cc TO Mr.N.Sathish Babu , Advocate in SR No. 93885

dss

AE/JC/SAR2/11.01.2018/3P/5C

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