



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) No.517 of 2017

and

C.M.P. (MD) No.10893 of 2017

S.Kavitha ... Petitioner/Respondent

Vs.

M.G.Raja ... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.175 of 2017 on the file of the Principal Sub-Court, Tenkasi and transfer the same to the Family Court, Srivilliputtur for trial.

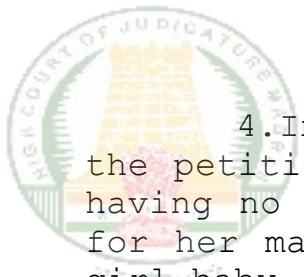
(*)For Petitioner : Mr.A.Sivaji
For Respondent : Mr.Raja

O R D E R

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.175/2017 from the file of the Principal Sub Court, Tenkasi to the Family Court, Srivilliputtur.

2.The petitioner/wife states that she married the respondent on 20.11.2010 and after their marriage, she lived with the respondent at Tenkasi. From the beginning the petitioner was illtreated by her mother-in-law. The respondent was addicted to drinks and he also smokes non stop. Since the respondent was not given any responsibility, the petitioner started to run a girls hostel in Palayamkottai and she gave birth to a girl baby. However, the respondent failed to maintain the petitioner nor her daughter. Subsequently, the respondent took away the money of the petitioner and drove out the petitioner with the baby from matrimonial home on 13.05.2017. The petitioner is now residing with her parents, without any source of income on her own. Thereafter the respondent filed H.M.O.P.No.175/2017 on the file of Principal Sub Court, Tenkasi, seeking divorce on false grounds. The petitioner finds it difficult to travel to Tenkasi for each and every hearing with her girl child. Hence, she seeks transfer of H.M.O.P.No.175/2017 where she is residing now.

3.Inspite of notice being served the respondent did not appear neither in person nor through counsel.



4. In such circumstances, considering the reasons stated by the petitioner and the fact that the petitioner is unemployed and having no source of income on her own and depends on her parents for her maintenance and further she is to take care of her minor girl baby, this court is inclined to entertain this petition.

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5. In the result, this petition is allowed. H.M.O.P.No.175 of 2017 pending on the file of the Principal Sub Court, Tenkasi, is directed to be transferred to the file of the Family Court, Srivilliputtur, for disposal. The Transferee Court is directed to expedite the trial and to dispose of the case as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

**(*) AMENDED AS PER ORDER OF
THIS HON'BLE COURT DATED
05.03.2018 BY JNBJ**

/True Copy/

Sub Assistant Registrar

**(*) TO BE SUBSTITUTED THE ORDER ALREADY DESPATCHED ON 17.01.2018
To**

1. The Principal Subordinate Judge, Tenkasi.

2. The Judge, Family Court, Srivilliputtur.

TM

VB/KK/SAR4/11/01/2018/2P/3C
RL/3C/2P/SKN/RSK/SAR1/19/3/2018

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