

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.491 of 2019

Malathi

D/o Ulaganathan

.. Petitioner

-vs-

Sivasubramaniam

S/o late Kumarasamy Gounder

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.380 of 2015 on the file of Principal Subordinate Judge, Tiruppur and transfer the same to the file of Sub Court, Jayamkondam and try the same in accordance with law.

For Petitioner :: Mr.T.Muruganantham

For Respondent :: Mr.P.R.Balasubramanian

ORDER

Mrs.Malathi, Wife of Mr.Sivasubramaniam, the respondent herein, has come to this Court seeking an order to withdraw the pending H.M.O.P.No.380 of 2015 from the file of the Principal Sub Court, Tiruppur and transfer the same to the Sub Court, Jayamkondam, which is about 250 kms.

2. Learned counsel for the petitioner also submitted that after the marriage was solemnized on 1.2.2013 between the petitioner and the respondent as per Hindu rites and customs at Sivan temple, Angeripalayam in the presence of friends and relatives, they were blessed with a male child by name Mithun on 25.11.2013. Even after the birth of the child, the relationship between the couple was not going on smoothly. Finally, the petitioner came to her parental home and filed M.C.No.9 of 2016 on the file of the learned Judicial Magistrate No.I, Jayamkondam claiming maintenance for herself and for her minor son. This was also ordered on 4.4.2018 directing the respondent to pay Rs.5,000/- per month. However, the respondent did not make any payment. Therefore, Crl.M.P.No.1108 of 2018 was filed for recovery of arrears. Against the same, Criminal Revision Case No.7 of 2018 was filed by the respondent on the file of the Additional District and Sessions Court, Ariyalur and obtained an order reducing the maintenance amount to Rs.4,000/- per month. As the petitioner is getting only Rs.4,000/- per month towards maintenance for herself and her son, it will be difficult for

the petitioner to undertake frequent travel. Therefore, the pending H.M.O.P.No.380 of 2015 filed by the respondent seeking divorce on the file of the Principal Sub Court, Tiruppur be transferred to the Sub Court, Jayamkondam, failing which both the petitioner and her minor son aged about 5 years would be put to grave problem, he pleaded.

3. Considering the fact that the petitioner is having a five year old minor son with whom it will be very difficult to undertake a long journey of about 250 kms., the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.380 of 2015 is withdrawn from the file of the Principal Sub Court, Tiruppur and transferred to the Sub Court, Jayamkondam for expeditious disposal on merits. Consequently, C.M.P.No.13701 of 2019 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Subordinate Judge
Tiruppur
2. The Subordinate Judge
Jayamkondam

+1 cc to M/s.T.Muruganantham, Advocate Sr.No. 70798
+1 cc to Mr.P.R.Balasubramanian, Advocate Sr.No.70701

AKM/16.09.19/2P-5C /

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