



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.190 of 2019

and

C.M.P(MD) No.4403 of 2019

N.Sathiya

... Petitioner

Vs.

T.Natarajan

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw HMOP No.99 of 2018 pending on the file of Sub Court, Thiruvarur and transfer the same to the file of Sub Court, Kumbakonam.

For Petitioner : Mr.R.Murali

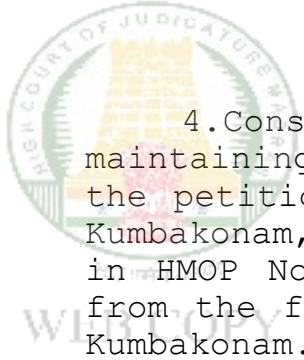
For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous petition has been filed by the wife seeking to transfer HMOP No.99 of 2018 pending on the file of Sub Court, Thiruvarur and transfer the same to the file of Sub Court, Kumbakonam.

2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent. Therefore, this Court is proceeded to hear the matter in his absence.

3.The petitioner is the respondent in the said HMOP. It is her case that out of wedlock between her and the respondent, they have been blessed with two girl children and she was subjected to ill-treatment at the hands of the respondent, which forced her to return to her parental home, where she is now residing. The petitioner would further submit that the respondent/husband has not been maintaining either herself or her two children and she was maintaining the entire family. She would also highlight the inconvenience that would be caused as she has to travel from her place of residence of Thiruvudaimarudhur to Sub Court, Thiruvarur to attend the case.



4.Considering the fact that the husband has not been maintaining the children and wife and that the place of residence of the petitioner/wife does confer the jurisdiction on the Sub Court, Kumbakonam, interest of justice would be sub-served, if the petition in HMOP No.99 of 2018 is ordered to be withdrawn and transferred from the file of Sub Court, Thiruvarur to the file of Sub Court, Kumbakonam. The learned Subordinate Judge, Thiruvarur, is directed to transmit the entire records in HMOP No.99 of 2018 to the Sub Court, Kumbakonam and the learned Subordinate Judge, Kumbakonam, is directed to dispose of the same on merits and in accordance with law.

6.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge, Thiruvarur.

2.The Subordinate Judge, Kumbakonam.

+1 CC to Mr.M.SURESH KUMAR, Advocate (SR-89594[F] dated 26/09/2019

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