



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2019**

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) No.206 of 2019

and

C.M.P. (MD) No.4704 of 2019

Deepa

... Petitioner

vs.

E.Muppudathi

... Respondent

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.75 of 2019 pending on the file of the Subordinate Court, Tenkasi and transfer the same to the file of the Family Court, Karur.

For Petitioner : Mr.R.Alagumani

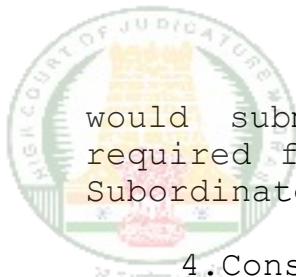
For Respondent : Mr.Senthur Pandian

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in HMOP.No.75 of 2019 filed by the respondent/husband for divorce on the file of the Subordinate Court, Tenkasi to the file of the Family Court, Karur.

2.The learned counsel appearing for the petitioner/wife would submit that the petitioner has filed a maintenance case in MC.No.3 of 2018 against the respondent/husband on the file of the Chief Judicial Magistrate Court, Karur. Though the learned Magistrate, by his order dated 06.07.2018, had directed the respondent to pay a sum of Rs.1,000/- to the petitioner and to pay a further sum of Rs.1,500/- to his minor daughter, Anusya and to pay a sum of Rs.1,000/- each to his other children, Rit Ruban and Santhya as maintenance, the respondent has failed to pay the said amount. The petitioner would contend that the respondent is considerably well off by doing fishing business. Therefore, she was constrained to move a petition in Crl.M.P.No.12 of 2018 in MC.No.3 of 2018 for recovering the maintenance amount from her husband. Further, the learned counsel would submit that the petitioner is now totally depending on her relatives since her parents are no more.

3.The learned counsel appearing for the respondent/husband
<https://hcservices.ecourts.gov.in/hcservices/>



would submit that the presence of the petitioner/wife is not required for every hearing since the matter is pending before the Subordinate Court, Tenkasi.

4.Considering the fact that though the learned Magistrate had directed the respondent to pay the maintenance amount to the petitioner and his children, the respondent has failed to comply with the order dated 06.07.2018 and also the fact that the petitioner is now depending on her relatives since her parents are no more, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.75 of 2019 pending on the file of the Sub Court, Tenkasi, is ordered to be withdrawn and transferred to the file of Family Court, Karur. The learned Subordinate Judge, Sub Court, Tenkasi, is directed to transmit the entire records of HMOP.No.75 of 2019 to the Family Court, Karur, as expeditiously as possible. The learned Judge, Family Court, Karur is directed to take up and dispose of the HMOP.No.75 of 2019 as expeditiously as possible only on the respondent/husband filing the proof of compliance of the order dated 06.07.2018 passed in MC.No.3 of 2018 on the file of the learned Chief Judicial Magistrate, Karur. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Subordinate Judge,
Tenkasi.
- 2.The Judge,
Family Court,
Karur.
- 3.The Chief Judicial Magistrate,
Karur.

TR.C.M.P. (MD) No.206 of 2019

25.10.2019

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