



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.283 of 2019

and

C.M.P(MD) No.6579 of 2019

K.Anjalaidevi

... Petitioner/Respondent

**Vs.**

V.Vinoth Kumar

... Respondent/ Petitioner

**PRAYER:-** Petition filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.336 of 2018 from the file of the Family Court, Karur and to transfer the same to the Sub Court, Pudukkottai.

For Petitioner : No appearance

For Respondent : No appearance

**ORDER**

The wife is the petitioner in the above Transfer Civil Miscellaneous petition. This Transfer Civil Miscellaneous Petition has been filed seeking to transfer H.M.O.P.No.366 of 2018 pending on the file of the Family Court, Karur to the Sub Court, Pudukkottai.

2.No representation for the petitioner. 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.

3.The transfer civil miscellaneous petition has been filed on the following grounds:-

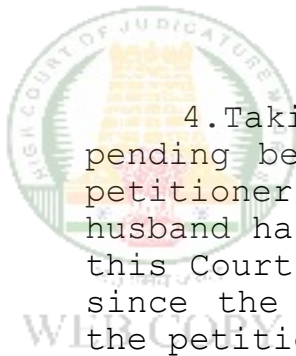
(i) That the petitioner is residing at Pudukkottai.

(ii) She has a child who is one month short a year.

(iii) She is totally depending on her mother, since the husband has not been maintaining her and her mother is doing coolie work.

(iv) The matter is pending before the Family Court and therefore, the presence of the petitioner for every hearing is necessary and she has to travel alongwith her baby.

(v) the distance between the Pudukkottai to Karur is about 280kms, for which she has to commute incurring more expenses for every hearing.



4.Taking note of the fact that H.M.O.P.No.336 of 2018 is pending before the Family Court, Karur, where the presence of the petitioner is imperative and also taking note of the fact that the husband has not been maintaining the petitioner and her minor child, this Court is inclined to allow the transfer H.M.O.P.No.336 of 2018, since the Sub Court, Pudukkottai has also the jurisdiction to try the petition for divorce.

5.In the result, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P No.366 of 2018 pending on the file of the Family Court, Karur, is ordered to be withdrawn and transferred to the file of Sub Court, Pudukkottai. The learned Judge, Family Court, Karur, is directed to transmit the entire records in H.M.O.P No.366 of 2018 to the Sub Court, Pudukkottai and the learned Subordinate Judge, Pudukkottai, is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )

To

- 1.The Judge, Family Court, Karur.
- 2.The Subordinate Judge, Pudukkottai.

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