



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 22.10.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.301 of 2019

and

C.M.P. (MD) No.6969 of 2019

Eswari .. Petitioner/Respondent/Wife

Vs.

Ramamurthi .. Respondent/Petitioner/Husband

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.126 of 2019 on the file of the learned Principal Sub Judge, Pudukottai and transfer the same to the file of Family Court, Dindigul to be tried along with M.C.No.34 of 2019.

For Petitioner : Mr.S.Sarvagan Prabhu
For Respondent : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.126 of 2019 filed by the respondent, for divorce, on the file of the Principal Sub Judge, Pudukkottai, to the file of the Family Court, Dindigul, wherein the maintenance case, which was filed by the wife in M.C.No.34 of 2019, is pending.

2.The grievance of the petitioner is that the husband has deserted her completely and also her children and he was not maintaining her and her minor daughter, namely Sasikala, who is aged about 5 years and her minor son, namely Mithran, who is aged about 3 years old. The wife has filed a maintenance case in M.C.No.34 of 2019, since the respondent has not come forward to give any maintenance to them. The petitioner is totally dependent on her parents both for her day-to-day expenses and that of her children and therefore, engaging a counsel at Pudukkottai and prosecuting the case there would result in additional expenses on her aged parents.

3.A perusal of records reveals that the petitioner herein has instituted M.C.NO.34 of 2019 on the file of Family Court, Dindigul. Apart from that, she has also filed D.V.O.P.No.7 of 2019 under Domestic Violence Act before the learned Judicial Magistrate No.I, Dindigul. The respondent admittedly is not maintaining the



petitioner and her two minor children.

4. Therefore, in these circumstances, the request made by the petitioner for transferring, appears to be reasonable. Hence, the petition in H.M.O.P.No.126 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Sub Court, Pudukkottai, to the file of Family Court, Dindigul. The learned Principal Sub Judge, Pudukkottai, is directed to transmit the entire records in H.M.O.P.No.126 of 2019 to the Family Court, Dindigul. The learned Family Judge, Dindigul, is directed to tag H.M.O.P.No.126 of 2019 along with M.C.No.34 of 2019, conduct joint trial and dispose of the same on merits and in accordance with law.

5. This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn
To

1. The Principal Sub Judge, Pudukkottai.
2. The Family Judge, Dindigul.

+1CC TO MR.S.SARVAGAN PRABHU, Advocate Sr. No. 93913

Tr.C.M.P. (MD) No.301 of 2019

22.10.2019

SCR(CO)
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