



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **16.10.2019**
CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. (MD) No.360 of 2019
and
C.M.P. (MD) No.8263 of 2019

Muneeswari ... Petitioner
vs.
Karuppiiah ... Respondent

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.84 of 2019 on the file of the Subordinate Court, Ramanathapuram, and to transfer the same to the file of Family Court, Sivagangai.

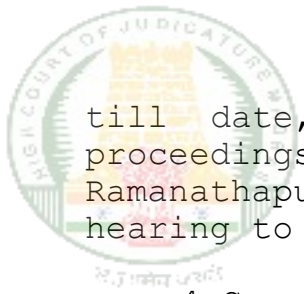
For Petitioner : Mr.C.Jeyaprakash
For Respondent : Mr.R.Venkatesan
for M/s.RIGHT LAW ASSOCIATES,

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in HMOP.No.84 of 2019 filed by the respondent/husband for divorce on the file of the Sub Court, Ramanathapuram, to the file of the Family Court, Sivagangai.

2.The case of the petitioner/wife is that she has filed a maintenance case in MC.No.9 of 2017 on the file of the Family Court, Sivagangai seeking maintenance of Rs.10,000/- per month since the respondent/husband has not been maintaining her and her minor daughter. The said maintenance case was allowed by the learned Judge, Family Court, Sivagangai, directing the respondent to pay a sum of Rs.3,000/- to the petitioner and a sum of Rs.2,000/- to the minor daughter as monthly maintenance. However, the said order has not been complied with till date and this has compelled the petitioner to file a petition in MP.No.35 of 2008 to execute the order in the maintenance case. As on the date of filing the said petition, a sum of Rs.39,333/- was due from the respondent/husband. After filing of the said MP.No.35 of 2008, the respondent has initiated the proceedings for divorce after the pronouncement of order in the said maintenance case.

3.The petitioner/wife would further submit that since the respondent/husband has not given any amount as maintenance to her



till date, she is totally depending on her parents and the proceedings for divorce are pending before the Subordinate Court, Ramanathapuram for which she has to travel from Sivagangai for the hearing to attend the case.

4. Considering the above fact and taking into account of the fact that the residence of the petitioner/wife would also confer jurisdiction on the Court to try the petition for divorce, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.84 of 2019 pending on the file of the Subordinate Court, Ramanathapuram, is ordered to be withdrawn and transferred to the file of Family Court, Sivagangai. The learned Subordinate Judge, Ramanathapuram, is directed to transmit the entire records of HMOP.No.84 of 2019 to the Family Court, Sivagangai, as expeditiously as possible. The learned Judge, Family Court, Sivagangai is directed to take up and dispose of the HMOP.No.84 of 2019 as expeditiously as possible only after filing the proof for compliance of the order dated 29.01.2018 passed in MP.No.35 of 2018 on the file of the Family Court, Sivagangai. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Subordinate Judge,
Ramanathapuram.

2.The Judge,
Family Court,
Sivagangai.

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-92297[F] dated 16/10/2019)

+1 CC to Mr.C.JEYAPRAKASH, Advocate (SR-92306[F] dated 17/10/2019)

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16.10.2019

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