



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.10.2019

CORAM

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THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P.(MD)No.389 of 2019

and

C.M.P.(MD)No.8867 of 2019

Balasaraswathi

.. Petitioner

Vs.

P.Vinothkumar

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw and transfer H.M.O.P.No.204 of 2019 on the file of the Sub Court, Theni to the Family Court, Madurai.

For Petitioner	: Mr.S.Thangaraj
For Respondent	: Mr.R.Venkateshwaran

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.204 of 2019 filed by the respondent, for divorce, on the file of the Subordinate Court, Theni, to the file of the Family Court, Madurai.

2.From the perusal of the papers, it is evident that the address that was given in Madurai is only a temporary address, whereas her permanent address is Bodinayakanur in Theni District. The husband has filed a petition for divorce on the file of Sub Court, Theni. To prosecute before the Sub Court, the presence of the petitioner is not required for every hearing. It would suffice if the petitioner appears for adducing evidence.

3.The learned counsel for the respondent would submit in a connected criminal original petition, he has been directed to pay Rs.8,000/- (Rupees Eight Thousand only) towards maintenance, which he undertake to pay from 1st November 2019.

4.Considering the fact that the petitioner is not residing at Madurai except for the fact that the marriage took place at Madurai, the last residence of the parties was at Theni and their permanent addresses was at Theni, which falls within the jurisdiction of Sub



Court, Theni, there is no merit in this transfer petition.

5. Accordingly, this transfer civil miscellaneous petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

Mrn
To
The Sub Judge, Theni.

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-94398[F] dated 24/10/2019)

+1 CC to M/s.S.THANGARAJ, Advocate (SR-94737[F] dated 25/10/2019)

Tr.C.M.P. (MD) No.389 of 2019

KK/SAR/21.11.2019/2P-4C/