



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.393 of 2019

and

C.M.P(MD) No.8976 of 2019

Kavitha

... Petitioner/Respondent

Vs.

S.Muthuvel

... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.PNo.868 of 2019 pending on the file of the learned Additional Family Court, Coimbatore, and to transfer the same to the learned Sub Court, Thiruchendur.

For Petitioner : Mr.D.S.Haroon Rasheed

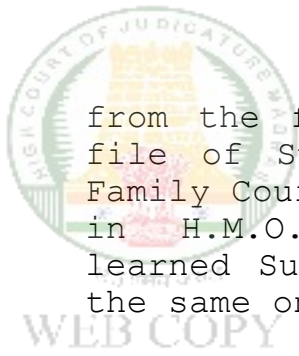
For Respondent : Mr.G.Thiruvarut Selvan

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.PNo.868 of 2019 filed by the husband before the Additional Family Court, Coimbatore, to the file of the Sub Court, Thiruchendur, where the petitioner/wife is residing.

2.The case of the petitioner is that the respondent/husband is not paying any maintenance either to the wife or to the child born out of the wedlock. The petitioner's parents are taking care of not only the petitioner, but also the minor child. Since the matter is pending before the Additional Family Court, Coimbatore, the presence of the petitioner for ever hearing is imperative, which means that without even receiving the maintenance amount, the parents of the wife are forced to spend for her travel and stay at Coimbatore. The child is only aged about one year, therefore the wife will have to take the child also along with her and she would also require someone's help, which adds to the financial burden to her parents.

3.In these circumstances, this Court is of the view that interest of justice would be sub-served, if the petition in H.M.O.P.No.868 of 2019 is ordered to be withdrawn and transferred



from the file of the Additional Family Court, Coimbatore, to the file of Sub Court, Thiruchendur. The learned Judge, Additional Family Court, Coimbatore, is directed to transmit the entire records in H.M.O.P.No.868 of 2019 to the Sub Court, Thiruchendur and the learned Subordinate Judge, Thiruchendur, is directed to dispose of the same on merits and in accordance with law.

4.With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The Judge, Additional Family Court, Coimbatore.

2.The Subordinate Judge, Thiruchendur.

+1cc to MR.D.HAROON RASHEED, ADVOCATE, SR NO.101297

Tr.C.M.P. (MD)No.393 of 2019

and

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