



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

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THE HONOURABLE **MS.JUSTICE P.T.ASHA**

TR.C.M.P. (MD)No.400 of 2019  
and  
C.M.P. (MD)No.9059 of 2019

Vidhya

... Petitioner

Vs.

Vijay

... Respondent

**PRAYER:-** Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.138 of 2019 pending on the file of the Subordinate Court, Uthamapalayam, Theni District and transfer the same to the file of Family Court, Madurai.

For Petitioner : Mr.C.Bharathiraja

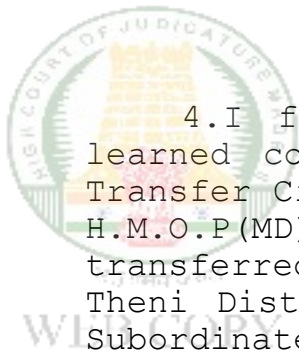
For Respondent : No Appearance

**ORDER**

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the case in H.M.O.P.No. 138 of 2019 from the file of the learned Subordinate Court, Uthamapalayam, Theni District to the file of learned Family Court, Madurai where the maintenance case filed by the petitioner/wife, earlier in time, is pending.

2.Though the notice is served to the respondent and his name is also printed in the cause list, he did not appear neither through counsel nor person, when the matter was called, today.

3.The learned counsel appearing for the petitioner would submit that the respondent/husband has not been maintaining the petitioner/wife and hence, she has taken out an application for receiving maintenance. That apart, the petitioner and the respondent have a child, who is with the petitioner and also suffering from a disease and undergoing medical treatment for the same. For the child's treatment, considerable amounts are spent every month and the respondent is not taking care of the child also. Further, the Family Court, Madurai is also vested with the jurisdiction to have the petition.



4.I find considerable force in the submissions made by the learned counsel appearing for the petitioner. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P(MD)No. 138 of 2019 is ordered to be withdrawn and transferred from the file of the Subordinate Court, Uthamapalayam, Theni District to the file of Family Court, Madurai. The learned Subordinate Court, Uthamapalayam, Theni District, is directed to transmit the entire records in H.M.O.P(MD) No.138 of 2019 to the Family Court, Madurai and the learned Family Court, Madurai 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 (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Subordinate Judge,  
Uthamapalayam,  
Theni District.
- 2.The Judge, Family Court,  
Madurai.

TR.C.M.P. (MD) No.400 of 2019  
15.11.2019

JMN(04.12.2019) 2P : 3C