



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM :

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

Tr.C.M.P(MD)No.416 of 2019
and C.M.P. (MD) No.9679 of 2019

P.Sarojini ... Petitioner/Respondent

Vs.

A.Savudan ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.231 of 2019 on the file of the Sub Court, Theni and to transfer the same to the file of the Family Court, Trichy.

For Petitioner : Mr.C.Jeyaprakash
For Respondent : No appearance

J U D G M E N T

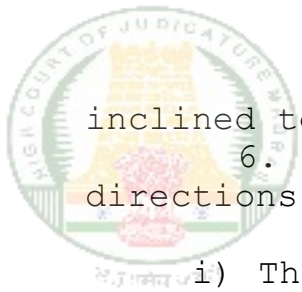
This Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the proceedings pending before the Subordinate Court, Theni in H.M.O.P.No.231 of 2019 to the file of the Family Court, Trichy.

2.The grounds on which transfer sought for is that despite the order of maintenance being granted in M.C.No.8 of 2019 directing the respondent/husband to pay a sum of Rs.10,000/- per month as maintenance, the same has not been complied with. That apart, the husband is also employed with the BHEL at Trichy. In these circumstances, she would seek to have transferred the case to the file of the Family Court, Trichy.

3. Heard the learned counsels and perused the papers.

4. The respondent, though has been served with notice, has not chosen to enter appearance either in person or through a pleader and the name of the respondent has been printed in the cause list.

5. Considering the fact that though the husband is working in BHEL, Trichy, he has not paid complied with the order to pay maintenance and the wife requested transfer of H.M.O.P.No.231 of 2019 to the file of the Family Court, Trichy, this Court is



inclined to allow this petition.

6. Accordingly, this Court issues the following directions:

i) The Subordinate Judge, Theni is directed to transmit the entire records in H.M.O.P.No.231 of 2019 to the file of the Family Court, Trichy, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Judge, Family Court, Trichy, after obtaining the records on transfer, is directed to dispose of the same as expeditiously as possible in accordance with law.

7. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

CM
To,

1.The Judge, Family Court, Trichy,

2.The Subordinate Judge, Theni

+1 CC to Mr.C. JEYAPRAKESH, Advocate (SR-100146[F] dated 21/11/2019)

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