



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.11.2019
CORAM
THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.435 of 2019
and
C.M.P(MD) No.9988 of 2019

Monisha ... Petitioner/Respondent/Wife

Vs.

Vadivarasan ... Respondent/ Petitioner/Husband

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.181 of 2019 on the file of the Principal Sub Judge, Kumbakonam and transfer the same to the learned Additional Family Court Judge, Coimbatore.

For Petitioner : Mr.S.Deenadhayalan

For Respondent : No Appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed at the behest of the wife seeking transfer of H.M.O.P.No.181 of 2019 filed by the husband on the file of the Subordinate Judge, Kumbakonam, to the file of the Additional Family Court, Coimbatore.

2.The reasons for seeking transfer are (a) that the petitioner has 1 ½ year old child and she is taking care of the child (b) she is employed in a Bank, since the husband has not been maintaining either herself or her minor child (c) though the matter pending before the Sub Court, Kumbakonam, she has to travel to kumbakonam to instruct the learned counsel and this would cause great strain on her. That apart, the husband has considerable clout in that area and he has been in the habit of abusing and torturing her. Therefore, she fears for her physical well being as well if she has to travel to Kumbakonam.

3.Considering the above factors, this Court is inclined to allow the transfer civil miscellaneous petition and the petition in H.M.O.P.No.181 of 2019 is ordered to be withdrawn and transferred from the file of the Principal Sub Court, Kumbakonam, to the file of Additional Family Court, Coimbatore. The learned Principal Subordinate Judge, Kumbakonam, is directed to transmit the entire records in H.M.O.P.No.181 of 2019 to the Additional Family Court, Coimbatore. The learned Judge, Additional Family Court, Coimbatore, 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 costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The Principal Subordinate Judge, Kumbakonam.

2.The Judge, Additional Family Court, Coimbatore.

+1 CC to Mr.S.DEENADHAYALAN, Advocate (SR-103151[F] dated 03/12/2019)

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VB(19.12.2019) 2P 4C