



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 17.10.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.385 of 2018

S.Rajeswari

.. Petitioner

Vs.

R.Suresh Kumar

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to call for the records relating to H.M.O.P.No.241 of 2015 on the file of the learned Principal Sub Court, Tirupur and withdraw the H.M.O.P.No.241 of 2015 on the file of the learned Principal Sub Court, Tirupur and transfer the same to the file of the Principal Sub Court, Theni, Theni District.

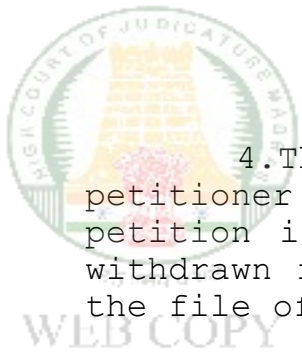
For Petitioner	: Mr.K.Raghul Priyan
For Respondent	: No Appearance

ORDER

The petition was filed by the wife seeking transfer of the divorce petition filed by the husband before the learned Principal Sub Judge, Tirupur in H.M.O.P.No.241 of 2015 to the file of the learned Principal Sub Judge, Theni.

2.The petitioner is residing within the jurisdiction of Sub Court, Tirupur. It is her contention that though originally she had led a very happy marital life, her husband had intimacy with other women and after that he had started harassing and torturing the petitioner. Out of the wedlock, the petitioner and the respondent were blessed with two children. The respondent husband was not maintaining the petitioner and the minor children and thereafter, she had filed M.C.No.3 of 2016 on the file of the learned Judicial Magistrate, Andipatti. Though the Court had ordered the said application, till date, no amount has been paid by the husband. The petitioner would submit that she is totally depend on her aged parents for her maintenance and that of her minor children. Adding to this, if she was constrained to contest the proceedings at Sub Court, Tirupur, she would incur the additional expenses and it would be a great deal of strain on her parents.

3.Though the respondent was served with paper publication, none appears on behalf of the respondent.



4.This Court is satisfied with the reasons given by the petitioner for seeking the transfer. In this circumstances, this petition is allowed and the petition in H.M.O.P.No.241 of 2015 is withdrawn from the file of the Sub Court, Tirupur is transferred to the file of Sub Court, Theni.

5.It is also seen that the respondent husband has not complied with the orders in M.C.No.3 of 2016 passed by the learned Judicial Magistrate, Andipatti. Considering the fact that the husband has not complied with the order passed in maintenance case, the learned Principal Sub Judge, Theni shall take up the divorce petition filed by the husband only after the orders in M.C.No.3 of 2016 passed by the learned Judicial Magistrate, Andipatti is complied with by the husband. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

- 1.The Principal Sub Judge, Tiruppur.
- 2.The Principal Sub Judge, Theni.
- 3.The Judicial Magistrate, Andipatti.

+1CC TO MR.K.RAGHUL PRIYAN, Advocate Sr. No. 92965

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KM(CO)
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