

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.72 of 2020
and
CMP No.2407 of 2020

Anitha
D/o P.Jayaraj ... Petitioner

-vs-

A.Sathyamoorthy ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.60 of 2019 pending on the file of the Hon'ble Sub Court, Aruppukottai to the file of the Hon'ble Sub Court, Tambaram for disposal in accordance with law.

For Petitioner :: Mrs.K.Chandra

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.Anitha is the wife of Mr.A.Sathyamoorthy, the respondent herein. After the solemnization of marriage on 26.10.2001 at Mallanginar Community Hall near Vishnu Temple, Virudhunagar, Kariyapatti Taluk, they were living happily and out of the said wedlock, a female child, namely, Geetha Priya was also born on 28.9.2002. The respondent is none other than the petitioner's maternal uncle's son. But unfortunately, the petitioner's maternal uncle was bedridden. From the beginning of the marriage, the respondent has not taken care of the petitioner and has not shown any interest in the matrimonial life. But the problem started after the petitioner gave birth to the female child, because the respondent did not come to the petitioner's parents house to see his daughter and the petitioner, except on one or two times. Thereafter, the respondent has filed the H.M.O.P.No.60 of 2019 for divorce on the ground of cruelty before the Sub Court, Aruppukkottai. The

respondent is working as Typist in the Tamil Nadu Public Service Commission office and earning a salary of Rs.40,000/- per month. But he failed to maintain the petitioner and his daughter. The petitioner is also working in a private company and earning a meagre salary that is not sufficient to meet the expenditure of both persons. Therefore, she has been advised to file the present petition seeking for transfer of the said case to the file of the Sub Court at Tambaram, as the petitioner is residing at Madipakkam in Chennai. Secondly, she is also having a daughter, who is aged 17 years now and they would not be in a position to undertake a long journey from Chennai to Aruppukkottai.

3. Although notice was served on the respondent, no one has appeared before this Court. That shows that the respondent has no objection for allowing the petition. Secondly, the petitioner is residing in Chennai with her 17 year old daughter. Therefore, it will be difficult for them to undertake a long journey from Chennai to Aruppukkottai, Virudhunagar District, which is about 500 Kms., on one side. Hence, accepting the balance of convenience in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.60 of 2019 is withdrawn from the file of the Sub Court, Aruppukkottai and transferred to the file of the Sub Court, Tambaram for an expeditious disposal on merits. Consequently, C.M.P.No.2407 of 2020 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Aruppukkottai.
2. The Subordinate Judge,
Tambaram.

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srg 25/09/2020