



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.270 of 2021
and
C.M.P. No.7093 of 2021

Ragini .. Petitioner

Vs

Parivallal .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the case in H.M.O.P. No.1 of 2021 on the file of the Sub-Court, Panruti, Cuddalore District to the Sub-Court, Mayiladuthurai, Nagapattinam, and to be tried along with M.C. No.7 of 2020.

For Petitioner	: Mr. G.Bala
For Respondent	: No appearance

O R D E R

This petition is filed to withdraw and transfer the case in H.M.O.P. No.1 of 2021 on the file of the Sub-Court, Panruti, Cuddalore District to the Sub-Court, Mayiladuthurai, Nagapattinam, to be tried along with M.C. No.7 of 2020.

2. This Court finds that notice through Court is served on the respondent on 18.05.2021. The private notice sent by the petitioner is also served on the respondent on 05.05.2021. The petitioner's counsel has produced before this Court the 'Proof of Service'.

3. The petitioner is living with her child. It is the contention of the petitioner that the respondent has failed to maintain the petitioner and her child and that therefore she filed a maintenance petition in M.C. No. 7 of 2020, before Sub Court, Mayiladuthurai, Nagapattinam District. It is the case of the petitioner that the respondent husband filed a petition for restitution of conjugal rights in H.M.O.P. No. 1 of 2021 before the Sub-Court, Panruti, as a counter blast to the petition filed



by the petitioner for maintenance. It is also the case of the petitioner that the respondent has not paid any amount or spent towards maintenance. Though the petitioner seeks transfer purely on the ground of convenience, this Court is able to see that the petitioner has genuine grievance.

4. The failure to respond to the notice indicates that the respondent has nothing to dispute / deny the allegations and the statements made by the petitioner before this Court. Therefore, this Court is inclined to allow this petition. Accordingly, H.M.O.P. No.1 of 2021 on the file of the Sub-Court, Panruti, Cuddalore District, is hereby withdrawn and transferred to Sub-Court, Mayiladuthurai, Nagapattinam, to be tried and disposed of along with M.C. No.7 of 2020 pending on the same file.

5. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn
To

- 1.The Sub-Court, Panruti, Cuddalore District
- 2.The Sub-Court, Mayiladuthurai, Nagapattinam.

+1 CC to Mr. Bala & Daisy, Advocate sr 28818.

Tr. C.M.P. No.270 of 2021

GSM(CO)
SP(20/07/2021)