



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.(MD) No.56 of 2021

and

C.M.P.(MD) No.1130 of 2021

WEB COPY

Mrs.S.Pavithra

.. Petitioner

-vs-

M.Chandrasekar

.. Respondent

Prayer :- Petition filed under Section 24 of Code of Civil Procedure to withdraw the proceedings in H.M.O.P.No.2147 of 2020 on the file of the VII Additional Family Judge, Chennai and to transfer the same to the file of Subordinate Court at Mudukulathur, Ramnad District.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondent : Mr.P.Santhana Krishnan

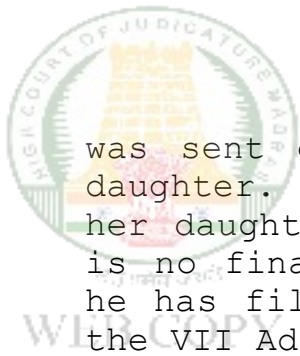
ORDER

The respondent/wife in H.M.O.P.No.2147 of 2020 pending on the file of the VII Additional Family Judge, Chennai is the petitioner before this Court.

2.The petitioner has filed this transfer petition seeking to transfer the above proceedings, pending on the file of the VII Additional Family Judge, Chennai to the file of the Subordinate Court, Mudukulathur, Ramnad District.

3.It is the contention of the learned counsel for the petitioner that the petitioner had married the respondent herein on 04.09.2017 at Saidapet, Chennai and the respondent at that time was working as a Driver. The petitioner had set up the matrimonial home at Chennai where she had delivered a female child on 05.07.2019.

4.It is the case of the petitioner that right from the inception, she was being harassed and tortured for getting more money from her father, which she had refused and consequently, she



was sent out her matrimonial home on 29.11.2019 along with her daughter. At present, she is residing at her parental home with her daughter at Maranthai Village, Kadaladi Taluk, Ramnad. There is no financial support from the respondent and on the contrary, he has filed the instant petition seeking divorce on the file of the VII Additional Family Judge, Chennai.

5.Learned counsel for the petitioner would further contend that the petitioner is entirely depending on her parents for her day to day expenses and in addition to that, if she is made to travel for every hearing to Chennai from Maranthai Village, it would cause a great deal of financial strain on her father. In these circumstances, she has sought to have the transfer effected.

6.Learned counsel appearing for the respondent would oppose the said transfer.

7.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

8.Perusal of the records would indicate that the wife is now residing at Maranthai Village, Kadaladi Taluk, Ramnad, which falls within the jurisdiction of the Subordinate Court, Mudukulathur, Ramnad. Admittedly, the husband has not been maintaining the petitioner or her child. If the H.M.O.P. is transferred to the file of the Subordinate Court, Mudukulathur, it would also to the benefit of the respondent, since unlike the Family Court, the presence of the parties is not required for every hearing and suffice it that they appear for giving their evidence.

9.In the above circumstances, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.2147 of 2020 pending on the file of the VII Additional Family Judge, Chennai is withdrawn and transferred to the file of the Subordinate Court, Mudukulathur, Ramnad. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

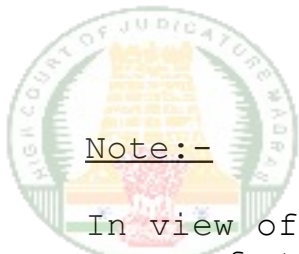
Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

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Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The VII Additional Family Court, Chennai.

2.The Subordinate Court, Mudukulathur, Ramnad.

+1 CC to M/s.R.M. MAKESH KUMARAAVEL, Advocate (SR-35505[F] dated 23/11/2021)

Tr.C.M.P.(MD) No.56 of 2021

Dated: 23.11.2021

RK(08/12/2021) 3P 4C