



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.319 of 2021
and
C.M.P. (MD) No.6767 of 2021

M.Nandhini ... Petitioner/Respondent
-vs-

C.Manikandan ... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.122 of 2021 on the file of Sub Court, Pollachi to Sub Court, Tirunelveli.

For Petitioner : Mr.G.Rajaraman

ORDER

This petition is filed by the respondent wife seeking to transfer H.M.O.P.No.122 of 2021 on the file of the Sub Court, Pollachi to the file of the Sub Court, Tirunelveli.

2.The learned counsel for the petitioner would contend that the petitioner and the respondent had been married on 12.04.2008 and out of this wedlock, a girl child Dharshini was born on 21.09.2009 and thereafter a son Kalidass was born on 23.08.2011. He would submit that the respondent/husband, apart from being alcoholic, was also intimate with another women and was also in the habit of not keeping a steady job. The petitioner/wife found it very difficult to meet the family expenses and therefore, she has to go to Tirunelveli to be under the care and custody of her parents as she would be able to take care of her children at least with regard to their education and accordingly, she had left in the year 2012. The respondent to date has not taken steps to maintain the petitioner or the children and thereby constraining the petitioner herein to file M.C.No.56 of 2021 on the file of the Family Court, Tirunelveli. Meanwhile, the respondent has also filed a petition for divorce in H.M.O.P.No.122 of 2021 on the file of the Sub Court, Pollachi.

3.The learned counsel for the petitioner would submit that without any source of income the petitioner is now made to travel all the way to Pollachi from Tirunelveli for conducting the case by engaging the counsel, etc., He would submit that therefore the



interest of justice would be served if H.M.O.P.No.122 of 2021 is transferred to the file of the Family Court, Tirunelveli to be tried along with M.C.No.56 of 2021, although in the transfer petition the petitioner has prayed for a transfer to the Sub Court, Tirunelveli.

4.Heard the learned counsel for the petitioner and perused the records. The respondent, though served, had not entered appearance either in person or through counsel.

5.Considering the fact that the husband has not chosen to maintain his wife and children to date and has been living apart from them for so long, this Court is inclined to allow the Transfer Civil Miscellaneous Petition. This is also on account of the fact that the respondent/husband has to preforce come to the Family Court, Tirunelveli to attend the maintenance case filed by his wife. For the aforesaid reasons, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.122 of 2021 pending on the file of the Sub Court, Pollachi is withdrawn and transferred to the file of the Family Court, Tirunelveli. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cp

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 Subordinate Judge,
Pollachi.
- 2.The Judge,
Family Court, Tirunelveli.

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-39306[F] dated 17/12/2021)

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RD(25.01.2022) 2P 4C

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