



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **17.11.2021**

CORAM

THE HONOURABLE Ms.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) No.333 of 2021

and

C.M.P. (MD) No.6896 of 2021

WEB COPY

R.Kiruthika

... Petitioner

vs.

C.Kishore Kumar

... Respondent / Petitioner

Prayer:-This Petition is filed under Section 24 read with Section 151 of the Code of Civil Procedure, to order withdrawal of the HMOP.No.116 of 2020 pending on the file of the Sub Court, Srivilliputtur, Virudhunagar District and to transfer the same to the file of Sub Court, Poonamallee, Thiruvallur District.

For Petitioner : Mr.A.Sivaji

For Respondent : Mr.H.Thayumanasamy

ORDER

The above Transfer Civil Miscellaneous is filed by the respondent/wife in HMOP.No.116 of 2020 pending on the file of the Sub Court, Srivilliputtur, Virudhunagar District to transfer the proceedings to the file of Sub Court, Poonamallee, Thiruvallur District, since the petitioner is residing at Chennai within the jurisdiction of the said Court.

2.The petitioner is also having custody of the male child, namely, Yaswanth, who is now aged about 6 years and is studying in Chennai. The respondent has filed the application before the Sub Court, Srivilliputtur, Virudhunagar District seeking for dissolution of the marriage. Admittedly, the respondent/husband is not paying any maintenance either to the wife or to the son. Considering the fact that the petitioner is now taking care of her 6 years old son, who is school going child, it would be near impossible for her to travel to Srivilliputhur whenever she is asked to attend hearings there. In these circumstances, no prejudice would be caused to the respondent/husband, if the matter is transferred to the Sub Court, Poonamallee, Thiruvallur District, since his presence is not required for every hearing.

3.Considering the above, though the learned counsel for the respondent/husband had vehemently opposed for transfer, this Court



deems it fit in the interest of justice to withdraw HMOP.No.116 of 2020 pending on the file of the Sub Court, Srivilliputtur, Virudhunagar District and transfer it to the file of Sub Court, Poonamallee, Thiruvallur District.

4. In fine, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.116 of 2020 pending on the file of the Sub Court, Srivilliputtur, Virudhunagar District, is ordered to be withdrawn and transferred to the file of Sub Court, Poonamallee, Thiruvallur District. The learned Subordinate Judge, Srivilliputtur, Virudhunagar District, is directed to transmit the entire records of HMOP.No.116 of 2020 to the Sub Court, Poonamallee, Thiruvallur District, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Subordinate Judge,
Srivilliputtur,
Virudhunagar District.

2. The Sub Judge,
Poonamallee,
Thiruvallur District.

+1 CC to M/s.A. SIVAJI, Advocate (SR-34840[F] dated 17/11/2021)
+1 CC to M/s.H. THAYUMANASWAMY, Advocate (SR-34865[F] dated 17/11/2021)

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SS (CO)
SB (02.12.2021) 2P 5C