



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.410 of 2021
and
C.M.P. (MD) No.7907 of 2021

S.Ananthalakshmi .. Petitioner/Respondent

-vs-

R.Narayanan .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in H.M.O.P.No.3406 of 2021 on the file of the Principal Family Court, Chennai and transfer to the Sub Court, Thiruchendur, Thoothukudi District.

For Petitioner	:	Mr.S.Muthumalai Raja
For Respondent	:	Ms.Lakshmi Gopinathan for M/s.Polex Legal Solutions

ORDER

The petitioner has filed this transfer petition seeking transfer of the petition for divorce filed by the respondent/husband on the file of the Principal Family Court, Chennai in H.M.O.P.No.3406 of 2021 to the file of the Sub Court, Thiruchendur, Thoothukudi District.

2.The petitioner/wife would submit that since she had been subjected to a great deal of torture at the hands of her in-laws, she had left for her parental home along with her daughter Rookamani Ackshaya, who is now 10 years of age. The petitioner would state that earlier her husband had filed a petition for divorce in H.M.O.P.No.844 of 2013 on the file of the Family Court-II, Chennai. This petition, at the behest of the petitioner herein, and by reason of the orders in Tr.C.M.P.(MD) No.170 of 2019, was transferred to the Sub Court, Thoothukudi. The said suit was transferred and re-numbered as H.M.O.P.No.345 of 2013 and the respondent herein allowed the same to be dismissed for default. Thereafter, suppressing the above fact, the instant petition, which is now sought to be transferred, has been filed by the respondent-husband. Meanwhile, since he was not paying any maintenance, the petitioner-wife has sought for maintenance in M.C.No.7 of 2013 before the Judicial



Magistrate, Srivaigundam, Thoothukudi. The petitioner would state that since the H.M.O.P. is before the Family Court, her presence for every hearing is essential for which she has to travel this distance of 650 kms leaving behind her minor daughter or taking her along with her, which would cause extreme hardship to the petitioner. It would also be a financial drain on her considering the fact that the respondent husband is not maintaining the petitioner and his minor daughter. Therefore, she has filed the above transfer petition.

3. On perusing the papers, its records and contents, this Court is convinced that the petition now pending before the Principal Family Court, Chennai be withdrawn and transferred to the Sub Court, Thiruchendur. As a result, the Transfer Civil Miscellaneous Petition is allowed, H.M.O.P.No.3406 of 2021, pending on the file of the Principal Family Court, Chennai, is withdrawn and transferred to the file of the Sub Court, Thiruchendur. Considering the fact that the litigation between the parties is pending since the year 2013, the learned Subordinate Judge, Thiruchendur, is directed to dispose of the same within a period of six months from the date of receiving the papers. It is needless to state that M.C.No.7 of 2013 shall be proceeded with by the respondent herein expeditiously. In case, the respondent does not get along with the proceedings in M.C.No.7 of 2013, the learned Subordinate Judge, Thiruchendur shall keep back the petition for divorce (H.M.O.P.No.3406 of 2021) to await the disposal of M.C.No.7 of 2013. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr

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 Principal Family Court, Chennai.
2. The Subordinate Judge, Thiruchendur,
Thoothukudi District.



+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate
(SR-36012[F] dated 26/11/2021)

Tr.C.M.P. (MD) No.410 of 2021
Dated: 26.11.2021

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