



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.471 of 2021

and

C.M.P. (MD) No.8947 of 2021

P.Shanmugapriya .. Petitioner/Respondent

-vs-

S.Ramakrishnan .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.162 of 2020 pending on the file of the Subordinate Judge, Devakottai and to transfer the same to the Sub Court, Usilampatti.

For Petitioner : Mr.J.Senthil Kumaran

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/wife for transferring the petition filed by the husband for divorce on the file of the Subordinate Court, Devakottai, in H.M.O.P.No.162 of 2020 to the file of the Sub Court, Usilampatti.

2.The petitioner would submit that she had entered appearance before the Sub Court at Devakottai, and filed an application in I.A.No.2 of 2021 seeking maintenance for herself and her minor son, who has also been deserted by the respondent. Though an order has been passed on 28.09.2021, directing the respondent to pay a sum of Rs.6,000/- per month, to date no amounts have been paid and without paying the very maintenance amount, the petitioner cannot be made to travel to Devakottai to participate in the proceedings. The petitioner would further submit that she has to be accompanied by someone to attend the hearing and her father is also not keeping good health and therefore, she sought to have the HMOP transferred to the Sub Court, Usilampatti, which



also has jurisdiction, considering the fact that the petitioner is living within the jurisdiction of the Court.

3.Taking into account the above factors, I am of the view that the petition in H.M.O.P.No.162 of 2020 should be withdrawn from the file of the Sub Court, Devakottai and transferred to the file of the Sub Court, Usilampatti.

4.In the result, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.162 of 2020 is withdrawn from the file of the Sub Court, Devakottai, and transferred to the file of the Sub Court, Usilampatti. Taking into consideration the fact that the respondent has not paid the maintenance, despite order dated 28.09.2021 in I.A.No.2 of 2021, the Subordinate Judge, Usilampatti, shall proceed to hear the HMOP only upon the respondent/husband showing proof that he is complying with the order dated 28.09.2021 unless any other order of Court to the contrary is produced by him. Till such compliance, H.M.O.P.No.162 of 2020 shall be kept in abeyance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

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 Sub Court, Devakottai.

2.The Sub Court, Usilampatti.

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