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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

C O R A M

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. NO.15 OF 2022

AND

C.M.P.NO.467 OF 2022

Vivegaa Arumugam

...Petitioner

Versus

L.Subramania Prakash

...Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the H.M.O.P.No.535 of 2020 pending on the file of the learned Principal Family Judge, Coimbatore and transfer the same to the learned District Family Court at Salem.

For Petitioner : Mr.R.Chandrasekaran

For Respondent : Served. No appearance

O R D E R

The respondent wife in a petition for divorce before the Principal Family Court, Coimbatore, is the petitioner before this Court seeking transfer of the said proceedings to the file of the District Family Court, Salem.

2. The reasons for seeking the transfer are as follows:-

(a) She is living with her baby son in her parental home on their mercy;

(b) She faces an hostile atmosphere when she visits Coimbatore, thereby instilling fear in her;

(c) Every time she has to attend hearing, since the matter is before the Principal Family Court, Coimbatore, she has to travel with her baby as well, which causes inconvenience not only to the petitioner but also to her son;

(d) The husband is not giving any maintenance, either to the wife or to the minor child;

(e) The petitioner is residing at Salem within the jurisdiction of the Family Court, Salem.



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3. The respondent, though served has not entered appearance, either in person or through counsel and therefore, this Court has proceeded to hear the petitioner's counsel.

4. Heard the learned counsel for the petitioner.

5. The reasons referred above have considerable force and taking note of the facts that the husband has not been discharging his duties by giving maintenance to his wife and child, the request for transfer is justified.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

gba/ab

To

1.The Principal Judge, Family Court,
Coiminator.

2.The District Family Court,
Salem.

3.The Section Officer,
VR Section, Madras High Court,
Chennai.

+1cc to Mr.R.Chandrasekaran, Advocate Sr.No.13272

Tr. C.M.P. No.15 of 2022 and
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NK(CO)
RVM(16/03/2022)