

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.82 of 2022
and
C.M.P.No.1657 of 2022

S.Janani

... Petitioner

Vs.

K.Ramesh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.59 of 2021 pending on the file of the Sub-Court, Kangeyam and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Served - No Appearance

O R D E R

This Transfer Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.59 of 2021 pending on the file of the Sub-Court, Kangeyam and transfer the same to the file of the Family Court, Coimbatore.

2. The petitioner is residing at Coimbatore with her minor child and aged parents. The petitioner/wife is working in a School at Coimbatore. The petitioner/wife has expressed her difficulties in travelling more than 85 kms., to Kangeyam as the matter is pending before the Sub-Court, Kangeyam. Since the respondent/husband has not given any maintenance to her, she has to spend her limited resources for the travel.

3. Heard the learned counsel for the petitioner and perused the materials available on record. The respondent, though served, has not entered appearance.

4. However, considering the reasons given for the transfer particularly the fact that the husband is not maintaining his wife and his minor child, this Court is inclined to allow this petition. However, considering the fact that the matter is now being transferred to the Family Court, Coimbatore, where presence of parties for all the hearings is mandatory and taking into account the fact that the respondent/husband is working at this juncture, his presence for all the hearings is dispensed with except when he is required to be present for counselling and for adducing evidence.

5. In the light of the above reasons given by the petitioner/wife, this Transfer Civil Miscellaneous Petition is allowed as prayed for and H.M.O.P.No.59 of 2021 pending on the file of the Sub-Court, Kangeyam is withdrawn and transferred to the file of the Family Court, Coimbatore. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Subordinate Court,
Kangeyam.
2. The Family Court,
Coimbatore.
3. The Section Officer,
VR Section, Madras High Court,
Chennai.

+1cc to M/s.I.Abrar MD Abdullah, Advocate, S.R.No.25385

Tr.C.M.P.No.82 of 2022
and
C.M.P.No.1657 of 2022

SKM(CO)
SU(02/05/2022)