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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.78 of 2022
and
C.M.P.No.1598 of 2022

Saranya

... Petitioner

Vs.

Santhosh Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.316 of 2021 pending before the Principal Sub-Judge, Mayiladuthurai, Nagapattinam and transfer the same to the Family Court, Tiruchirappalli filed by the petitioner for divorce.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Served - No Appearance

O R D E R

The respondent/wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.316 of 2021 filed by her husband seeking divorce pending before the learned Principal Sub-Judge, Mayiladuthurai and to transfer the same to the file of the Family Court, Tiruchirappalli filed by the petitioner for divorce.

2. The reasons that have been given in the affidavit filed in support of the petition is that the petitioner/wife has a son who is suffering from bone problem, as a result of which, there is an irregular bone development in his legs. Therefore, she has to take care of her son's everyday needs. She would also submit that if she is attending to the case at Mayiladuthurai, she would have to travel a great distance and not only that she would have to leave her son under the care and custody of a 3rd person. That apart, since under Section 19(iii) of the Hindu Marriage Act, concession is given to the petitioner/wife to have the matrimonial proceedings filed before the Court having jurisdiction at the place where she is living. The



petitioner/wife is now living at Tiruchirappalli, therefore, she would seek to have the matter to Tiruchirappalli.

3. The respondent though served has not entered appearance.

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4. Considering the fact that compelling reasons has been given by the petitioner/wife, the proceedings in H.M.O.P.No.316 of 2021 now pending on the file of the learned Principal Sub-Judge, Mayiladuthurai is withdrawn and transferred to the file of the Family Court, Tiruchirappalli.

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

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

ssn

To

1. The Principal Sub-Judge,
Mayiladuthurai,
Nagapattinam.

2. The Family Court,
Tiruchirappalli.

+1cc to Mr.P.Chandrasekar, Advocate, S.R.No.16548

Tr.C.M.P.No.78 of 2022
and
C.M.P.No.1598 of 2022

GMR[co]
NSK 24/03/2022