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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.90 OF 2022

AND

C.M.P.NO.1705 OF 2022

S.Divya

... Petitioner/
Respondent

Vs

P.Balaji

... Respondent/
Petitioner

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.180 of 2021 from the file of the Principal Subordinate Court, Kumbakonam and transfer the same to the file of the Principal Subordinate Court, Coimbatore.

For Petitioner : Mr.L.Mouli
For Respondent : Served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw H.M.O.P.No.180 of 2021 filed by the respondent husband for divorce from the file of the Principal Subordinate Court, Kumbakonam and transfer the same to the file of the Principal Subordinate Court, Coimbatore.

2. The petitioner wife has also filed a petition under Domestic Violence Act in D.V.A. No.22 of 2021 on the file of the Special Court for D.V.A cases, Coimbatore in which the respondent husband had received notice and the same is pending.

3. Transfer is sought for by the petitioner-wife on the ground that that she is residing in Coimbatore. It is her grievance that she finds it very difficult to travel alone from Coimbatore to Kumbakonam which is nearly 600 Kilometers to and fro during the time of trial. Further, the respondent husband is not paying maintenance to her.



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

5. Considering the reasons given and the fact that the wife is residing within the Jurisdiction of the Principal Subordinate Court, Coimbatore, this Court is of the considered view that the request for transfer should be allowed.

6. Accordingly, the transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.180 of 2021 pending on the file of the Principal Subordinate Court, Kumbakonam shall withdrawn and transferred to the file of the Principal Subordinate Court, Coimbatore. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ab/srn

To

1. The Principal Subordinate Judge, Kumbakonam.
2. The Principal Subordinate Judge, Coimbatore.
3. The Section Officer, V.R.Section, High Court, Madras.

+1cc to Mr.L.Mouli, Advocate, S.R.No.17508

Tr.C.M.P.No.90 of 2022
and
C.M.P.No.1705 of 2022

SKM(CO)
PM/28/03/2022