



WEB COPY

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.70 of 2022

&

C.M.P.No.1539 of 2022

Akila

...Petitioner/Respondent

Vs

Pradeepkumar

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.296 of 2021, pending on the file of the Family Court, Salem and transfer the same to the Family Court, at Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : No Appearance.

ORDER

The above petition is filed by the wife to transfer H.M.O.P.No.296 of 2021, filed by the husband for divorce, pending on the file of the Family Court, Salem to the file of the Family Court, Tiruvannamalai.

2. The petitioner wife would submit that she is residing with her parents at Tiruvannamalai and she has one year old child to take care. The respondent husband has never cared to support his wife and the child. The petitioner is unemployed and has no source of income and all the expenses of the petitioner as well as her child are met by the petitioner's parents. Further, the distance between the petitioner's residence and the Family Court, Salem is more than 140 K.M and it would be very difficult for the petitioner to travel with her one year old child.

3. The respondent though served has not entered appearance.



4. Admittedly, the petitioner is residing at Tiruvannamalai and Section 19 of the Hindu Marriage Act, 1955, confers Jurisdiction on the place of residence of the respondent wife. Further, the petitioner has to take care of her one year old child and it is not advisable to make her travel for every hearing.

5. Under these circumstances, the request for transfer is justified and accordingly, the petition is allowed. H.M.O.P.No.296 of 2021 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Family Court, Tiruvannamalai. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

6. The presence of the respondent husband shall be dispensed with except for attending counselling and for adducing evidence.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Family Court,
Salem.

2.The Family Court,
Tiruvannamalai.

+1cc to Mr.B.Jawahar, Advocate SR.No.16103

Tr.C.M.P.No.70 of 2022

SSD(CO)
GN(29/03/2022)