



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.102 of 2022
and
C.M.P.No.1882 of 2022

D.Arulmozhi ... Petitioner/Respondent

-Vs-

Shanthakumar ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.360 of 2019 on the file of the Sub Court, Kanchipuram and transfer the same to the file of the III Additional Family Court, Chennai, to be tried along with M.C.No.432 of 2021.

For Petitioner : Mr.C.N.Ehoma Saviour

ORDER

The wife has filed the Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.360 of 2019 filed by the husband on the file of the Sub Court, Kanchipuram to the III Additional Family Court, Chennai, to be tried along with the M.C.No.432 of 2021.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 19.01.2018 at Arulmigu Kandhasamy Thirukoil, Tiruporur, as per Hindu rites and customs. After marriage, they lived in a rental house at Mankadu. Thereafter, the respondent started his cruelty against the petitioner and assaulted the petitioner without any reason.

3.The grounds on which the transfer is sought for are as follows:

- 1.The petitioner is residing at Thiruvottiyur, Chennai in her parent's house.
- 2.The respondent husband has not provided any maintenance to the petitioner.
- 3.The respondent/husband and his family members are influential persons in Kanchipuram.
- 4.The distance between Thiruvottiyur and



Kanchipuram is too far and she cannot travel each time to attend the hearings. "

4.The respondent/husband though served has not entered appearance either in person or through pleader.

5.Heard the learned counsel appearing for the Petitioner and perused the papers.

6.Admittedly, the respondent husband has not provided any maintenance to his wife. The petitioner has to engage a Counsel at Kanchipuram and instruct them on the counter to be filed which would involve her travel to Kanchipuram. She may have to go on several occasions. Therefore, taking note of the same and also the fact that the wife has filed a Maintenance Case at the Family Court, Chennai, the transfer can be ordered.

Therefore, in the interest of justice the Transfer Civil Miscellaneous Petition is ordered, withdrawing the proceedings in H.M.O.P.No.360 of 2019 pending on the file of the Sub-Court, Kanchipuram and transferred to the file of the II Additional Family Court, Chennai, tried along with M.C.No.432 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Subordinate Judge,
Kanchipuram.

2.The III Additional Judge,
Family Court,
Chennai.

+1 cc to Mr.C.N.Ehoma Saviour , Advocate Sr.NO. 17860

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VSN II (CO)

A.SK(05/05/2022)