



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.220 of 2020
and
C.M.P.No.6674 of 2020

Periya Nayaki @ Karthigha ... Petitioner/Respondent

-Vs-

S.Gomathi Sankara Narayanan ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.26 of 2020 pending on the file of the learned Sub Judge, Poonamallee and transfer the same to the file of the learned Sub Judge, Ambasamudram.

For Petitioner : Mr.H.Manojin

For Respondent : Mr.Suchit Anart Palande

ORDER

The wife has filed the above petition for transferring the proceedings filed by her husband in H.M.O.P.No.26 of 2020 on the file of the learned Sub Judge, Poonamallee, to the file of the learned Sub Judge, Ambasamudram.

2.The transfer is sought for on the ground that the petitioner is having custody of the two children, who are aged 8 years and 5 years, respectively, (as on date) and for attending the case to Poonamallee, it would be very difficult for her. Further, the husband has not given any maintenance for her or her children and she had to depend only on her aged parents to take care of herself as well as her two children.

3.The learned counsel for the respondent vehemently opposed the transfer on the ground that the matter is pending before the Sub Court, Poonamallee and the presence of the respondent is not



required for every hearing. It would suffice if the petitioner is attending Court for adducing evidence.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the papers.

5. The respondent/husband admitted that he has not given any maintenance to the petitioner/wife or the two children. The entire liability is on the parents of the petitioner. If the petitioner has to travel to Poonamallee even to adduce evidence it would involve heavy expenditure and the petitioner cannot travel alone and she may have to stay over at Poonamallee or any nearby area for completing the evidence. She would also have to stay over some time since she would have to cross examine the witnesses on the side of the petitioner and she would have to examine herself. All of this would involve huge financial liability. The Court at Ambasamudram, in the light of Section 19(iii) has jurisdiction to entertain the H.M.O.P.

Therefore, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P No.26 of 2020 pending on the file of the Subordinate Court, Poonamallee, is withdrawn and transferred to the file of the Subordinate Court, Ambasamudram. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mps
To

1. The Subordinate Judge,
Poonamallee.

2. The Subordinate Judge,
Ambasamudram.

+1cc to Mr.H.Manojin, Advocate Sr.13457

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srg 11/04/2022