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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.110 of 2022
and
C.M.P.No.2065 of 2022

Maria Selsa

... Petitioner

Vs.

Anantha Muthuraj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the case in Spl.M.O.P.No.322 of 2021 which is pending on the file of the I Additional District Court, Tirunelveli, transfer the same to the Family Court, Chennai.

For Petitioner : Mr.J.Titus Enock

For Respondent : Served - No Appearance

O R D E R

The respondent/wife has sought to transfer the petition in Spl.M.O.P.No.322 of 2021 which is pending on the file of the I Additional District Court, Tirunelveli, to the Family Court, Chennai.

2. The petitioner is residing at Chennai. The respondent/husband has filed the petition for restitution of conjugal rights before the I Additional District Court, Tirunelveli. The petitioner is living with her aged father at Chennai. The petitioner/wife has expressed her difficulties in travelling more than 600 kms., to Tirunelveli for every hearing as the matter is pending before the I Additional District Court, Tirunelveli, since the respondent/husband has not given any maintenance to her.

3. Respondent though served has refused to receive the notice. Therefore, he is deemed to have been served.



4. However, considering the reasons given for the transfer particularly the fact that the husband is not maintaining his wife and since the matter is pending before the I Additional District Court, Tirunelveli, which is a long way from Chennai, this Court is inclined to allow this petition. However, considering the fact that the matter is now being transferred to the Family Court where presence of parties for all the hearings is mandatory and taking into account the fact that the respondent/husband is driver by profession, his presence for all the hearings is dispensed with except when he is required to be present for counselling and for adducing evidence.

5. In the light of the above reasons given by the petitioner/wife, this Transfer Civil Miscellaneous Petition is allowed as prayed for and Spl.M.O.P.No.322 of 2021 pending on the file of the I Additional District Court, Tirunelveli, is withdrawn and transferred to the file of the Family Court, Chennai. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

ssn

To

1.The I Additional District Court,
Tirunelveli.

2.The Family Court,
Chennai.

3.The Section Officer,
VR Section, Madras High Court,
Chennai.

+lcc to Mr.J.Titus Enock, Advocate SR. No. 18854

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AD (CO)
PR (04/04/2022)