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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

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

Tr.C.M.P.No.124 of 2022
and
C.M.P.No.2503 of 2022

S.Gayathiri

... Petitioner

Vs

K. Sarathiraj

... Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in F.C.O.P No.188 of 2021, pending on the file of the Family court at Thiruvannamalai, and transfer the same to the Hon'ble Principal Subordinate Court, at Hosur, Krishnagiri District.

For Petitioner : Mr.N.Sureka

For Respondent : Mr.Silambu Selvan

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking withdrawal of the case in F.C.O.P No.188 of 2021, pending on the file of the Family court at Thiruvannamalai, and transfer the same to the Hon'ble Principal Subordinate Court, at Hosur, Krishnagiri District.

2. The wife has filed the present petition seeking transfer of the proceedings for divorce filed by her husband before the Family Court, Thiruvannamalai in F.C.O.P No.188 of 2021 to the file of the Principal Subordinate Court, Hosur, Krishnagiri District.

3. The petitioner has sought for this transfer on the ground that she has been sent back to her parents house at Hosur when she had conceived. On 09.07.2017 she had given birth to baby boy and the respondent had visited her parental home to see the child. Since she was not keeping good health she could not join the respondent when he had gone to the military camp at Delhi. Thereafter, he had advised the petitioner to take the



child and go to this parents place at Thiruvannamalai. Further she and her child did not receive good treatment at her in-laws place. Thereafter, the respondent had stopped speaking to her and her efforts to try and contact him ended in vain. In this background she had received the legal notice from her husband on 31.08.2021 and this was followed by the summons from the Family Court, Thiruvannamalai in F.C.O.P No.188 of 2021.

4. The petitioner's case is that she is now living with her parents and child at Hosur and it would be impossible for her to keep travelling along with the small child to Thiruvannamalai for every hearing, since the matter is pending before the Family Court. It would not only be a physical strain but also a financial strain since the respondent/husband has not given any maintenance to the petitioner or her son.

5. The respondent had entered appearance through counsel and was unable to tell the Court, if the husband is paying maintenance to his wife and child.

6. Be that as it may, considering the fact that the petitioner is living at Hosur with her small child, it would be hard for her to travel to attend every hearing at the Family Court. In these circumstances and considering the fact that the Principal Subordinate Court, Hosur has jurisdiction, since the petitioner is residing within the jurisdiction, this Court is inclined to transfer the case.

7. Accordingly, the transfer Civil Miscellaneous Petition is allowed. The F.C.O.P No.188 of 2021, pending on the file of the Family court at Thiruvannamalai, is transferred to the file of Principal Subordinate Court, at Hosur, Krishnagiri District. The Family Court, Thiruvannamalai, is directed to transmit all the records in F.C.O.P.No.188 of 2021 to the file of Principal Subordinate Court, Hosur, Krishnagiri, immediately on receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pbl/ub

To

1. The Judge,
The Family Court,
Thiruvannamali.



2. The Principal Subordinate Judge,
The Principal Subordinate Court, Hosur,
Krishnagiri District.

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+1cc to M/s.S.Silambu Selvan, Advocate, S.R.No.19197

+1cc to M/s.N.Sureka, Advocate, S.R.No.19133

Tr.C.M.P.No.124 of 2022
and
C.M.P.No.2503 of 2022

SJ(CO)
SB(19/04/2022)