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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P. NO.170 OF 2022

AND

C.M.P.NO.3299 OF 2022

S.Kavitha

...Petitioner / Respondent

Vs

K.Palani

...Respondent / Petitioner

PRAYER : Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.319 of 2021 pending on the file of the Subordinate Court, Ponneri and transfer the same to the Subordinate Court, Tamabaram.

For Petitioner : Mr.S. Rejina
for Mr.S.Siva Kumar

For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.319 of 2021 filed by the husband for dissolution of marriage before the Subordinate Court, Ponneri, to the file of Subordinate Court, Tamabaram.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 11.06.2000 at T.G.P.Kalyana Mandapam, West Tambaram, Chennai, as per Hindu rites and customs. Out of wedlock, they had a girl child by name Dharshini born on 19.11.2001. After the marriage, the respondent never spent money for the daily needs of the family. The respondent is in the habit of getting personal loans from several third parties. Her daughter is now studying B.Des., in a private Engineering College. The petitioner alone has spent money for her daughter's education. The respondent is also in a relationship with another woman. The respondent has filed H.M.O.P.No.319 of 2021 for dissolution of marriage before the Subordinate Court, Ponneri, which has no jurisdiction to entertain the petition.



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3.The reasons for seeking the transfer are as follows:

1.The petitioner is residing at Vandalur with her daughter.

2.The respondent husband has not provided any maintenance to the petitioner and her daughter.

3.The petitioner is residing under the territorial jurisdiction of the Subordinate Court, Tambaram.

4.The respondent/husband though served through private notice on 19.03.2022 has not entered appearance either in person or through pleader.

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

6.The husband has filed H.M.O.P.No.319 of 2021 before the Subordinate Court, Ponneri which has no jurisdiction solely on the basis of his residence. Neither was marriage conducted there nor had the parties last resided within the jurisdiction of the Subordinate Court, Ponneri. The very institution of the proceedings before the Subordinate Court is without jurisdiction.

In the above circumstances, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.319 of 2021 pending on the file of the Subordinate Court, Ponneri, is withdrawn and transferred to the file of the Subordinate Court, Tambaram. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

mps

To

1.The Subordinate Judge,
Ponneri.

2.The Subordinate Judge,
Tambaram.

+1cc to M/s.S.Sivakumar, Advocate Sr.No.24774

Tr.C.M.P. No.170 of 2022 and
C.M.P.No.3299 of 2022

PMK (CO)

RVM(13/06/2022)