



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.173 of 2022
and
C.M.P.No.3436 of 2022

Mahalakshmi

... Petitioner

Vs

Siva Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP No.102 of 2021 on the file of the Sub Court Periyakulam and transfer to Family Court, Chennai.

For Petitioner : Mr.R.Bhagawat Krishna

For Respondent : No appearance

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Sub Court, Periyakulam in H.M.O.P.No.102 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the above proceedings pending on the file of the Sub Court, Periyakulam and transfer the same to the file of the Family Court, Chennai.

2. Reasons for seeking the transfer are as follows:

i) She is a poor lady and has no source of income and she is unable to even feed herself and her child.

ii) She is residing at Old Washermenpet, Chennai along with her old parents.

iii) She would suffer immense financial as well as physical strain as she will not be able to travel alone and she has to take the assistance of her old parents to travel along with her from Old Washermenpet, Chennai to Periyakulam for every hearing for this she has to travel more than 950 kms.

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



4. Heard the learned counsel for the petitioner/wife.

5. Considering the fact that the petitioner has been deserted by her husband and is now entirely dependent on her old parents, since the respondent/husband has not been maintaining her and her child, the request for transfer appears reasonable.

6. Therefore, the Transfer Civil Miscellaneous Petition is allowed and H.MO.P.No.102 of 2021, pending on the file of the Sub Court, Periyakulam, is withdrawn and transferred to the file of the Family Court, Chennai. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge,
The Sub Court,
Periyakulam
2. The Judge,
The Family Court,
Chennai.

+lcc to Mr.R.Bhagawat Krishna, Advocate, S.R.No.24697

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