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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

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

Tr.C.M.P.No.224 of 2022

and

C.M.P.No.4558 of 2022

Mrs.M.Pavithra

... Petitioner

Vs

Mr.G.Moses

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the S.M.O.P.No.116 of 2021 pending on the file of the Principal District Court, Thanjavur and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.P.G.Thiyagu

For Respondent : Mr.D.Sathiyaseelan

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the S.M.O.P.No.116 of 2021 pending on the file of the Principal District Court, Thanjavur and transfer the same to the Family Court, Chennai.

2. The Transfer is sought for by the petitioner/wife on the ground that she is residing in Chennai with her 11 months baby and she had not fully recovered from her post delivery ailments. The petitioner/wife has expressed her difficulties in travelling more than 250 kms., for every hearing to Thanjavur as the matter is pending before the Principal District Court, Thanjavur. Since the respondent/husband has not given any maintenance to her, she is depending entirely on her parents for her expenses and she has to spend her limited resources for the travel.



3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

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4. Considering the reasons given and the fact that the petitioner/wife is residing within the Jurisdiction of the Family Court, Chennai, this Court is of the considered view that the request for transfer should be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and S.M.O.P.No.116 of 2021 pending on the file of the Principal District Court, Thanjavur is withdrawn and transferred to the file of the Family Court, Chennai. The learned Family Court Judge shall first attempt Mediation between the parties, if the Mediation fails, the learned Family Court Judge shall take up the S.M.O.P.No.116 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ssn
To

1. The Principal District Court,
Thanjavur.
2. The Family Court,
Chennai.

+1cc to Mr.P.G.Thiyagu, Advocate Sr.27394

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and
C.M.P.No.4558 of 2022

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srg 12/05/2022