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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.186 of 2021

and

C.M.P.No.5565 of 2021

Mrs.Vaiji Subbiah

... Petitioner

Vs.

Mr.S.Kirubanandhan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the H.M.O.P.No.590 of 2020 pending on the file of the Subordinate Court, Poonamallee and transfer to Family Court, Trichy.

For Petitioner : Mr.Om Sai Ram

For Respondent : Mr.V.R.Appaswamee

O R D E R

This Transfer Miscellaneous Petition is filed seeking to withdraw the petition in H.M.O.P.No.590 of 2020 from the file of the Subordinate Court, Poonamallee and to transfer the same to the Family Court, Trichy.

2. The petitioner is residing at Trichy with her minor child. The petitioner/wife has expressed her difficulties in travelling more than 320 kms., to Poonmallee as the matter is pending before the Sub-Court, Poonamallee. Since the respondent/husband has not given any maintenance to her, 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.

4. Considering the reasons given for the transfer particularly the fact that the husband is not maintaining his wife and his minor child, this Court is inclined to allow this petition. However, considering the fact that the matter is now being transferred to the Family Court, Trichy, where presence of parties for all the hearings is mandatory and taking into



account the fact that the respondent/husband has only now got an employment, his presence for all the hearings is dispensed with except when he is required to be present for counselling and for adducing evidence.

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5. In the light of the above reasons given by the petitioner/wife, this Transfer Civil Miscellaneous Petition is allowed as prayed for and H.M.O.P.No.590 of 2020 pending on the file of the Subordinate Court, Poonamallee is withdrawn and transferred to the file of the Family Court, Trichy. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Subordinate Judge,
Poonamallee.
2. The Judge,
The Family Court,
Trichy.

+1cc to Mr.Om Sai Ram, Advocate SR.No.24998

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GPL(CO)
GN(05/05/2022)