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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

Tr.C.M.P.No.285 of 2021
and
C.M.P.No.7266 of 2021

P.Jeya ...Petitioner

Vs.

M.Kathirvel ...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the petition in H.M.O.P.No.12 of 2020 from the file of the Sub-Court, Thiruchendur and to transfer the same to the Family Court, Salem.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.S.Vijay Anand

O R D E R

This Transfer Miscellaneous Petition is filed seeking to withdraw the petition in H.M.O.P.No.12 of 2020 from the file of Sub-Court, Thiruchendur and to transfer the same to the Family Court, Salem.

2.The petitioner is residing at Salem with her two minor children and aged mother. The petitioner/wife has expressed her difficulties in travelling more than 500 kms., to Thiruchendur as the matter is pending before the Sub-Court, Thiruchendur. 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.However, considering the reasons given for the transfer particularly the fact that the husband is not maintaining his



wife and his two minor children, this Court is inclined to allow this petition. However, considering the fact that the matter is now being transferred to the Family Court, Salem, where presence of parties for all the hearings is mandatory and taking into account the fact that the respondent/husband is working, his presence for all the hearings is dispensed with except when he is required to be present for counselling and for adducing evidence.

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Petition is allowed as prayed for and H.M.O.P.No.12 of 2020 pending on the file of the Sub-Court, Thiruchendur is withdrawn and transferred to the file of the Family Court, Salem. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Sub Judge,
Thiruchendur.
2. The Judge,
The Family Court,
Salem.

+2cc to M/s.S.Vijay Anand, Advocate, S.R.No.20873

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SKM(CO)
RGA(18/04/2022)