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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.303 of 2021
and
C.M.P.No.7495 of 2021

K. Janani ... Petitioner/Respondent.

Vs

M.D. Aravind ... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No.32 of 2021 from the file of the Sub Court, Gudiyatham and to transfer the same to the Sub Court, Kovilpatti to have joint trial along with HMOP No.68 of 2021.

For Petitioner : Mr.N.Manoharan

For Respondent : No appearance

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Sub Court at Gudiyatham is the petitioner before this Court. The petitioner seeks to withdraw HMOP No.32 of 2021 pending on the file of the Sub Court at Gudiyatham and transfer the same to the file of the Sub Court at Kovilpatti, to be tried along with HMOP No.68 of 2021.

2. The petitioner's reasons for seeking transfer are as follows:

The petitioner herein has filed a petition for Restitution of Conjugal Rights in HMOP No.68 of 2021 which is pending on the file of the Sub Court, Kovilpatti. The petitioner would further submit that the distance between her native place and the Sub Court Gudiyatham is about 526 kilometers and it is very tedious for her to travel such a long distance for hearing. Further she would also submit that she is unemployed and she is solely dependent on her widowed mother for travel, food and other



expenses which causes great financial strain on her widowed mother. She would also submit that she has a suckling baby aged one and a half years, hence it is impossible for her to travel between Kovilpatti and Gudiyatham carrying her baby.

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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 widowed mother, since the respondent has not been maintaining her, her request for transfer appears reasonable and also no prejudice would be caused to the respondent/husband since the matter is only before the Sub-Court where the presence of party for every hearing is not mandatory.

6. In view of the above, the Transfer Civil Miscellaneous Petition is allowed and HMOP No.32 of 2021, pending on the file of the Sub Court at Gudiyatham is withdrawn and transferred to the file of the Sub Court, Kovilpatti to be tried along with H.M.O.P.No.68 of 2021. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

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Sub Assistant Registrar

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To

1.The Judge,
The Sub Court at Gudiyatham.

2.The Judge,
The Sub Court, Kovilpatti.

+lcc to Mr.N.Manokaran, Advocate SR.No.17223

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AD(CO)
CB(05/04/2022)