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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P.No.349 of 2021
and
C.M.P.No.8163 of 2021

S.Bhuvaneshwari Revathi

... Petitioner

Vs.

K.Santhosh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.598 of 2020 pending on the file of the II Additional Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.M.Vijayamehanath
For Respondent : Mrs.R.Varalakshmi

O R D E R

The respondent/wife in HMOP No.598 of 2020 is the petitioner before this Court, she has filed the instant Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.598 of 2020 filed by her husband for divorce on the file of the II Additional Family Court, Chennai.

2. The transfer is sought on the following grounds:

a) The petitioner and her minor son are living away from the respondent/husband who is today not taking steps to maintain both of them.

b) The petitioner is doing odd job to maintain herself and her minor son and thereby is burden to her parents.

c) The petitioner and her minor son are residing at Narasinganallur in Tirunelveli District where the son is studying in II Standard.

d) The case is pending before the Family



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Court where the presence of the petitioner is required. However respondent/husband who is not maintaining her and her son is now insisting that she should travel for every hearing with her minor son which is an additional financial burden on her.

3. The learned counsel for the respondent has objected to the said transfer.

4. However, considering the reasons given for the transfer particularly the fact that the husband is not maintaining his wife and son and that the matter is pending before the Family Court where the parties are required to be present, this Court is inclined to allow this petition.

5. Accordingly, this Transfer Miscellaneous Petition is allowed and H.M.O.P.No.598 of 2020 pending on the file of the II Additional Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Tirunelveli. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy //

Sub Assistant Registrar

ssn

To

1. The II Additional Family Court, Chennai.

2. The Family Court, Tirunelveli.

+2cc to Mrs.R.Varalakshmi, Advocate SR.No.14892

+1cc to Mr.Vijayamehanath, Advocate SR.No.15194

Tr.C.M.P.No.349 of 2021

and

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RGN(CO)

CB(01/04/2022)