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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2022

CORAM

THE HONOURABLE Ms.JUSTICE P.T. ASHA

Tr.C.M.P. No.473 of 2021
and
C.M.P. No.12549 of 2021

R.Indumathi

... Petitioner

Vs.

R.Gopinath

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P. No.483 of 2021 on the file of the Subordinate Judge, Poonamallee, Thiruvallur District and to transfer the same to the file of the Subordinate Judge, Gudiyattam, Vellore District.

For Petitioner : Mr.K.A.Ravindran
For Respondent : Mr.T.Sathish

O R D E R

The wife is the petitioner before this Court seeking to transfer H.M.O.P.No.483 of 2021 filed by the respondent, the husband of the petitioner on the file of the learned Subordinate Judge, Poonamallee seeking dissolution of the marriage between the petitioner and the respondent.

2. A perusal of the affidavit and the arguments of the learned counsel would show that the petitioner is living at Vellore with her parents and her father is a daily wage earner. The respondent/husband has not taken any steps to pay maintenance to the wife and therefore she is entirely dependent on her parents for her day to day expenses.

3. The petitioner's contention is that Section 19(3)(iii) of the Hindu Marriage Act confers a right upon her to have the petition filed against her filed before the Court within whose jurisdiction she is residing. In the instant case, the petitioner is residing within the jurisdiction of the Subordinate Court, Gudiyattam.

4. Considering the above factors, though the respondent



counsel had objected to the transfer on the ground that the matter is now pending only before the Subordinate Court, Poonamallee, where presence of parties is not required, however, taking note of the fact that the husband has not taken steps to maintain his wife since April 2021, this Court of the view that the interest of justice would be served if the proceedings pending on the file of the Subordinate Court, Poonamallee in H.M.O.P.No.483 of 2021 is withdrawn and transferred to the file of the learned Subordinate Judge, Gudiyattam.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ab/ssn

To

1. The Subordinate Judge,
Poonamallee,
Thiruvallur District.
2. The Subordinate Judge,
Gudiyattam,
Vellore District.

Copy to:

The Section Officer,
VR Section, Madras High Court,
Chennai.

+1cc to Mr.T.Sathish, Advocate, S.R.No.11347

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MT(CO)
CT 23/03/2022