



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.03.2022

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P. No.574 of 2021
and
C.M.P.No.14905 of 2021

Bhavani

... Petitioner

-Vs-

Senthil Kumar

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.296 of 2019 on the file of learned Principal Sub Judge, Kancheepuram and transfer the same to the file of the learned I Additional Family Judge, Chennai.

For Petitioner : Ms.S.Lakshmi
For Respondent : Served - No appearance

ORDER

The above petition is filed by the wife to transfer H.M.O.P.No.296 of 2019 filed by the husband for divorce pending on the file of the learned Principal Sub Judge, Kancheepuram, to the file of the learned I Additional Family Judge, Chennai.

2.The petitioner would contend that the marriage between herself and the respondent had been solemnized on 21.08.2016 at Murugan Temple, Kundrathur, Chennai, as per Hindu rites and customs. Out of wedlock, they had one male child by name Vetrivel born on 23.06.2017. Thereafter, the respondent demanded dowry and forced the petitioner to get dowry from her parents and sent her out of the matrimonial home. Further, the respondent had filed a divorce petition in H.M.O.P.No.296 of 2019 before the learned Principal Sub Judge, Kancheepuram. The petitioner has filed a Maintenance Case before the learned Judge, Family Court, Chennai in M.C.No.91 of 2020.

3.The grounds on which the transfer is sought for are as follows:

“(a)The petitioner is residing at Chennai with her



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minor son and is dependent on her aged parents for her day to day expenses.

(b)The respondent husband has not provided any maintenance either to the petitioner or to his minor son and therefore, for every need the petitioner has to look to her aged parents.

(c)The distance between Chennai and Kancheepuram, is too far."

4.Though the respondent has been served privately on 29.06.2021, there was no representation either in person or through pleader. Notice sent has been returned with an endorsement "unclaimed" though intimation has been given to the respondent.

5.Heard the learned counsel for the petitioner and perused the papers.

6.Considering the fact that the petitioner has to take care of her three years old child and she and the child are not being provided for by the respondent, the request for transfer is justified and accordingly, the petition is allowed. H.M.O.P.No.296 of 2019 pending on the file of the Principal Sub Court, Kancheepuram, is withdrawn and transferred to the file of the learned I Additional Judge, Family Court, Chennai. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mps
To

1.The Principal Sub Judge,
Kancheepuram.

2.The I Additional Judge,
Family Court,
Chennai.

+1 cc to Ms.S.Lakshmi , Advocate Sr.NO. 15315

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and

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MT(CO)
A.SK(11/04/2022)