



WEB COPY

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.599 of 2021
and
C.M.P.No.15203 of 2021

P.MalathiMilkal ... Petitioner
Vs.
A.Arunvinoth ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.162 of 2020 pending before the Family Court, Trichy and transfer the same to the Sub-Court, Myiladuthurai.

For Petitioner : Mrs.D.Kalaiselvi

For Respondent : No Appearance

O R D E R

The wife who is the respondent in H.M.O.P.No.162 of 2020 pending on the file of the Family Court, Trichy is the petitioner before this Court seeks to have the said proceedings be transferred to the file of the Sub-Court, Myiladuthurai.

2. The transfer is sought on the following grounds:

a) The petitioner has been abandoned by her husband, who has also not taken any steps to maintain the petitioner.

b) The petitioner's two siblings are suffering from disabilities and her father is also unable to work as his leg was amputated. Therefore, she has also become an additional burden to her brother who is maintaining the house by doing tailoring work.

c) The proceedings for divorce is pending before the Family Court at Trichy and therefore, the petitioner has to necessarily appear before the Court for every hearing which involves expenses for travelling as well as for staying since the petitioner would have to travel nearly 200 Kms from



Sirkali where she was now living.
Therefore, the petitioner has filed this petition before this Court.

3. As per orders of this Court dated 10.01.2022, copies were served to the counsel appearing for the respondent before the Family Court, Trichy on 31.01.2022. However, none appeared before this Court.

4. Heard the learned counsel for the petitioner and perused the records.

5. The reasons given for seeking transfer appears not only compelling but also very reasonable. Since the matter is pending before the Family Court, Trichy, the petitioner has definitely to appear before the Court for every hearing and any one none appears would result in the H.M.O.P. being decreed exparte. Therefore, in the interest of the petitioner and also in the interest of justice, this Transfer Miscellaneous Petition is allowed and accordingly, H.M.O.P.No.162 of 2020 pending on the file of the Family Court, Trichy is withdrawn and transferred to the file of the Subordinate Court, Mayiladuthurai. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Judge,
The Family Court, Trichy.
2. The Subordinate Court,
Mayiladuthurai.

+1cc to M/s.D.Kalaiselvi, Advocate, S.R.No.15138

Tr.C.M.P.No.599 of 2021
and
C.M.P.No.15203 of 2021

PMK (CO)
SU (29/03/2022)