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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.602 of 2021
and
C.M.P.No.15233 OF 2021

G.Gomathi

...Petitioner

Vs

C.Rajasekaran

...Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No. 369 of 2021 from the file of Family Court at Salem to Sub-Court at Poonamalle and to pass such further or other orders on this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr. Jerry V.V.Sundar

For Respondent : Mrs. Laxmi Raj Rathnam

ORDER

The respondent/wife in a petition for restitution of conjugal right filed by the husband on the file of the Family Court at Salem, H.M.O.P.No.369 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the said H.M.O.P. pending on the file of the Family Court at Salem and transfer the same to the file of the Sub-Court at Poonamalle.

2. Reasons for seeking the transfer are as follows:

i) Petitioner is residing at Mogappair, Chennai along with her old age parents, being a woman she has to take the assistance of her aged parents to travel along with her for every hearing from Mogappair, Chennai to Salem which causes immense financial strain and a physical strain.

ii) The Respondent/husband is already been married.

iii) She was attacked and thrown out of her



matrimonial home.

iv) Respondent/ husband is not paying any maintenance either to her or to her two year old son.

3.The learned counsel for the respondent/husband had opposed the transfer.

4.Heard the learned counsel on either side.

5.Considering the fact that the petitioner/wife has been deserted by her husband and is now entirely dependent on her old age parents, since the respondent has not been maintaining her and her two year old son, her request for transfer appears reasonable and also no prejudice would be caused to the respondent/husband since the matter is only transferred to the Sub-Court where the presence of party for every hearing is not mandatory.

6.In view of the above circumstances, Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.369 of 2021, pending on the file of the Family Court at Salem, is withdrawn and transferred to the file of the Subordinate Court, Poonamalle. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Family Court at Salem.
- 2.The Subordinate Judge, Poonamalle.

+1cc to M/s.Jerry V.V. Sundar, Advocate, S.R.No.17584
+2cc to Mr.A.Laxmi Raja Rathnam, Advocate, S.R.No.17646

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GMR(CO)
RGA(04/04/2022)