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Tr. CMP. No.699 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM:

**THE HONOURABLE MRS. JUSTICE S.KANNAMMAL**

**Tr. C.M.P. No.699 of 2021**

**and**

**C.M.P. No.17307 of 2021**

Mrs. Seethalakshmi

... Petitioner

Versus

R.Sivalingam

... Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.42 of 2019 pending on the file of the Principal Sub-Judge, Pudukottai, and transfer the same to the VII Additional Family Court, Chennai.

For Petitioner : Ms.Prof. M. Udaya Bhauu

For Respondent : No Appearance

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**ORDER**

The present Transfer Civil Miscellaneous Petition has been filed to transfer the petition in HMOP No.42 of 2019 which is pending before the Hon'ble Principal Sub-Judge, Pudukottai filed by the Respondent to the



Hon'ble VII Additional Family Court, Chennai for Joint Trial with M.C.

No.385 of 2019 pending before the VII Additional Family Court.

2.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at Chennai. Moreover, she is depending on her aged parents and the petitioner being a lady, it is very difficult for her to travel from Chennai to Pudukottai, for attending the Court on every hearing. Therefore, she seeks to transfer the case from Pudukottai to Chennai.

3.Heard the learned counsel for the petitioner. Despite sufficient opportunity given to the respondent, there was no representation for the last hearings on the side of the respondent. Even today there is no representation on behalf of the respondent. Hence, this Court is inclined to pass orders on merits.

4.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is



inclined to transfer the case to the file of the VII Additional Family Court, Chennai.

5. Accordingly, H.M.O.P.No.42 of 2019 is withdrawn from the file of the Principal Sub-Judge, Pudukottai and transferred to the file of the VII Additional Family Court, Chennai, for disposal as per law. The Principal Sub-Judge, Pudukottai, is directed to transmit the papers to the file of the VII Additional Family Court, Chennai within a period of six weeks from the date of receipt of a copy of this order. The learned Judge, VII Additional Family Court, Chennai, is directed to dispose of the case in H.M.O.P.No.42 of 2019 on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

**06.07.2022**

Lbm  
Internet : Yes / No  
Index : Yes / No



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**S.KANNAMMAL.J.,**  
lbm

To:

1. The Principal Sub-Judge, Pudukottai
2. The Judge, VII Additional Family Court, Chennai.

**Tr. C.M.P. No.699 of 2021**  
**and**  
**C.M.P. No.17307 of 2021**

**06.07.2022**