



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.710 OF 2021

AND

C.M.P.NO.17477 OF 2021

S.Vishnu Priya

... Petitioner

.Vs.

Mayil @ Babu

... Respondent

PRAYER:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.87 of 2021 on the file of the Subordinate Judge's Court at Uthangarai and transfer the same to the file of the Subordinate Judge, Hosur.

For Petitioner : Mr.A.Balamurugan

For Respondent : Not Ready in Notice

ORDER

The respondent wife is the petitioner in this Transfer Civil Miscellaneous Petition, seeking to transfer the petition for divorce filed by her husband on the file of the Subordinate Judge's Court at Uthangarai to the file of the Subordinate Judge, Hosur.

2. The respondent though served with the private notice on 18.11.2021, has not entered appearance either in person or through Counsel and the Court has therefore proceeded to hear the petitioner and pass orders.

3. On perusing the records and hearing the learned Counsel for the petitioner, it appears that the petitioner has sought to have the petition for divorce transferred, since she is residing at Hosur, Krishnagiri district and she has also filed a petition



in M.C.No.23 of 2020 on the file of the learned Judicial Magistrate, Hosur seeking maintenance from the respondent herein. In addition to that her two year old son is also in her care and custody. The husband has moved the Court at Uthangarai and the petitioner would submit that she has to travel to Uthangarai to attend the hearing and she would have to take her mother as her companion as well as her two year old son with her, which would not only result in a great deal of financial strain as well as physical strain on her.

4. This Court takes notice of the fact that the respondent's husband has not been maintaining the petitioner and her child, which has constrained her to file a maintenance petition before the learned Judicial Magistrate, Hosur.

5. Considering the facts that already the husband is appearing before the learned Judicial Magistrate, Hosur the Transfer Civil Miscellaneous Petition is ordered. Accordingly, the prayer to transfer the H.M.O.P.No.87 of 2021 on the file of the Subordinate Judge's Court at Uthangarai to the file of the Subordinate Judge, Hosur is allowed. Consequently, the connected civil miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge's Court,
Uthangarai.
2. The Subordinate Judge,
Hosur.

+1cc to Mr.A.Balamurugan, Advocate, S.R.No.7937

TR.CMP.NO.710 OF 2021

PL (CO)
PBS/04/03/2022