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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P. No.711 of 2021
and
C.M.P. No.17490 of 2021

Gokila

... Petitioner

Vs.

Harish Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.51 of 2021 on the file of the learned Subordinate Judge, Aruppukkottai and to transfer the same to the learned V Additional Family Court, Chennai.

For Petitioner : Mr.S.Nagarajan

For Respondent : Not ready in notice

O R D E R

The respondent/wife is the petitioner before this Court seeking transfer of H.M.O.P. No.51 of 2021 pending on the file of the Subordinate Court, Aruppukkottai to the file of the V Additional Family Court, Chennai.

2. The petitioner seeks transfer on the following grounds:

'a) she has to travel from Chennai to Aruppukkottai for the hearing, which is about 600 Kilometers from Chennai. Considering the distance, she would not be able to return on the same day and she would have leave her minor child;

b) the respondent husband is not paying any maintenance, as a result of which, she had filed the maintenance case in M.C. No.59 of 2021, pending on the file of the V Additional Family Court, Chennai.'



3. The respondent though served privately on 11.02.2022 has not entered appearance. Therefore, this Court is proceeded to hear the counsel and pass orders.

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4. The reasons given by the petitioner/wife seeking transfer appears to be justified, particularly since the husband has not cared and maintained both his wife and his minor child. In these circumstances, insisting on the wife's presence before the Court, which is nearly 600 Kilometers from the place, where she resides would cause great hardship to the petitioner.

5. Accordingly, this Transfer Miscellaneous Petition is allowed and H.M.O.P.No.51 of 2021 pending on the file of the Subordinate Judge, Aruppukkottai is withdrawn and transferred to the file of the V Additional Family Court, Chennai to be tried along with M.C.No.59 of 2021. No Costs. Consequently, connected Civil Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

ab/ssn
To

1. The Vth Additional Family Court,
Chennai.

2. The Subordinate Judge,
Aruppukkottai

+1cc to Mr.S.Nagarajan, Advocate Sr.12639

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gmr[col]
srg 22/03/2022