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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.816 of 2021
and
C.M.P.No.18913 of 2021

K. Kalaiselvi ... Petitioner/Respondent

Vs

R.K. Vijay Anand ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No.297 of 2021 pending on the file of the court of the Sub Judge at Alandur and to transfer the same before Sub Court at Kanchipuram along with HMOP No.8/2019 and to fix an early date for disposal of the same and to pass such other suitable order or orders as it may deem fit and proper under the circumstances of the case.

For Petitioner : Mrs. T.Bhagyalakshmi

For Respondent : No appearance.

ORDER

The respondent/wife in petition for divorce filed by the husband on the file of the Sub Judge at Alandur is the petitioner before this Court. The petitioner seeks to withdraw HMOP No.297 of 2021 pending on the file of the Sub Judge at Alandur and transfer the same to the file of the Sub Court at Kanchipuram, to be along with HMOP No.8 of 2019.

2. The petitioner's reasons for seeking transfer is on the ground that the petitioner herein has filed a petition for Restitution of Conjugal Rights in HMOP No.8 of 2019 which is pending on the file of the Sub Court, Kanchipuram. The petitioner would further submit that the distance between her place of living and the Sub Court Alandur is about 80 kilometers and it is very tedious for her to travel 180 kilometers to and fro. Further she would also submit that she is unemployed and she is solely dependent on her mother for travel, food and other expenses which causes great financial strain on her old mother.



3. The respondent/husband though served has not entered appearance either in person or through counsel.

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4. Heard the learned counsel for the petitioner/wife.

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

6. In view of the above, the Transfer Civil Miscellaneous Petition is allowed and HMOP No.297 of 2021, pending on the file of the Sub Judge at Alandur is withdrawn and transferred to the file of the Sub Court, Kanchipuram to be tried along with H.M.O.P.No.8 of 2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge at Alandur.

2.The Subordinate Judge, Kanchipuram.

+1cc to Mrs. T.Bhagyalakshmi, Advocate SR.No.17243

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SSD (CO)
GMY (05/04/2022)