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Tr.C.M.P.No.786 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Tr.C.M.P.No.786 of 2021
and C.M.P.No.18327 of 2021

V.Surya

... Petitioner

Versus

P.Rajesh

... 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.3672 of 2021 pending on the file of the II Additional Family Court, Chennai and transfer the same to the Sub-Court, Attur.

For Petitioner : M/s.Dass and Viswa Associates
For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.3672 of 2021 pending on the file of the II Additional Family Court, Chennai and transfer the same to the Sub-Court, Attur.



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2.The respondent/husband has filed H.M.O.P.No.3672 of 2021 before the II Additional Family Court, Chennai, for divorce.

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

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

5.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 Sub-Court, Attur.



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6. Accordingly, H.M.O.P.No.3672 of 2021 is withdrawn from the file of the II Additional Family Court, Chennai and transferred to the file of the Sub-Court, Attur, for disposal as per law. The II Additional Family Court, Chennai, is directed to transmit the papers to the file of the Sub-Court, Attur within a period of six weeks from the date of receipt of a copy of this order. The learned Sub-Judge, Sub-Court, Attur is directed to dispose of the case in H.M.O.P.No.3672 of 2021 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.

gbi

12.07.2022

Internet : Yes / No

Index : Yes / No

To:

1. The Judge, II Additional Family Court, Chennai.
2. The Judge, Sub-Court, Attur.



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S.KANNAMMAL, J.,

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