



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P. No.872 of 2021
and
C.M.P.No.19550 of 2021

Mrs.R.Jothi

... Petitioner

-Vs-

Mr.D.Raja

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.278 of 2020 pending on the file of the Principal District and Sessions Court, Tiruvannamalai and transfer the same to the Family Court, Tiruppur.

For Petitioner : Mr.N.Kumar Rajan
For Respondent : Mr.Panneer Selvan

ORDER

The wife has filed the Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.278 of 2020 filed by the husband for divorce on the file of the Principal District and Sessions Court, Tiruvannamalai to the Family Court, Tiruppur.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 23.07.1995 at the respondent's house as per Hindu rites and customs. After marriage, they lived at Tiruppur. Out the wedlock, they had two children, namely, Arunkumar and Nandhini. The respondent had not provided the basic needs for the family. Their son is working as a daily wager. In 2015, the petitioner's daughter got married. Thereafter, the respondent filed H.M.O.P.No.278 of 2020 for divorce.

3.The reasons for seeking the transfer are as follows:

1.The petitioner is residing at Tiruppur.

2.It is a considerable distance between Tiruppur and it would be difficult for the petitioner to travel each time to attend the hearings.

3.The respondent husband has not provided financial assistance to his wife and children.



4.The petitioner is not financially sound to bear the travel expenses commuting to the Principal District and Sessions Court, Tiruvannamalai for every hearing and back.

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4.The learned counsel appearing for the respondent made serious allegation of assault against the wife, but however, contended that since the matter is now being transferred to the Family Court, Tiruppur, the presence of party which was mandatory may be dispensed with since the respondent/husband who would have to travel to Tiruppur for every hearing.

5.Heard the learned counsel appearing for the Petitioner and the learned counsel for the respondent and perused the papers.

Considering the fact that sufficient reasons have been given by the petitioner for seeking the transfer and further since the petitioner is residing within the Jurisdiction of the Family Court at Tiruppur, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.278 of 2020 is withdrawn from the file of the Principal District and Sessions Court, Tiruvannamalai and transferred to the file of the Family Court, Tiruppur. The presence of the respondent husband is dispensed with for all hearings except for adducing evidence and attending counselling. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

True Copy//

Sub Assistant Registrar

mps

To

1. The Principal District and Sessions Judge,
Tiruvannamalai.

2. The Judge,
Family Court, Tiruppur.

+1cc to Mr.Panneer Selvan, Advocate, S.R.No.24791

+1cc to Mr.N.Kumar Rajan, Advocate, S.R.No.24705

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PL[co]
NSK/14/06/2022