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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.881 OF 2021

&

C.M.P.NO.19747 OF 2021

V.Meenambigai

... Petitioner

.Vs.

D.Muthamizhvanan

... Respondent

PRAYER:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.1119 of 2021 pending on the file of the learned Subordinate Judge's Court at Alandur and transfer the same to the learned Subordinate Judge's Court at Udthagamandalam, The Nilgiris.

For Petitioner : M/s.Thangavadhanabalakrishnan

For Respondent : No Appearance

ORDER

The respondent wife has filed the above Transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.1119 of 2021 filed by the husband seeking for divorce on the file of the Subordinate Court, Alandur to the Subordinate Court, Udthagamandalam.

2. The grounds of transfer are as follows:

(a)The petitioner is living with her minor son at the house of her aged parents and the respondent husband has not given any maintenance whatsoever to his wife and son.

(b)The distance from Udthagamandalam to Chennai would involve a day's travel and that apart the



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petitioner would have to arrange for her stay at Chennai. She cannot travel by herself and she would have to take the assistance of somebody else to accompany her which involved a further financial strain on her parents.

3. The learned counsel has entered appearance for the respondent and would object to the same stating that since matter is pending before the Subordinate Court, the presence of the petitioner would not be required for every hearing and that she need to appear before the Court only at the time of adducing the evidence.

4. Heard the learned counsel and perused the records.

5. Admittedly, the husband has not cared to support his wife and son financially. The petitioner is living with her parents who are not only taking care of the petitioner and her son's daily needs, but also the Education of the petitioner's minor son.

6. The petitioner is living at Udhagamandalam and the Courts at Udhagamandalam is also vested with Jurisdiction to hear the matrimonial case as per Section 19 of the Hindu Marriage Act, 1955. Therefore, taking note of the fact that the husband has failed in his duty to maintain his wife and son, this Court is allowing the Transfer Civil Miscellaneous Petition, accordingly, H.M.O.P.No.1119 of 2021 pending on the file of the Subordinate Court, Alandur is withdrawn and transferred to the file of the Subordinate Court, Udhagamandalam. Consequently, 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,
Alandur.



2. The Subordinate Judge,
Udhagamandalam.

+1cc to M/s.Thangavadhanabalakrishnan, Advocate, S.R.No.9461

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PL (CO)
PBS/04/03/2022