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Tr.CMP.No 913 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 913 of 2021

and

C.M.P. No. 20381 of 2021

Vallimmai

.. Petitioner

Versus

C. Alagappan

.. Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24(1) of Civil Procedure Code, to transfer the H.M.O.P. No. 1070 of 2021 pending on the file of Subordinate Judge, Alandur to transfer the file of Family Judge, Cuddalore.

For Petitioner : Mr.S. Manivasagam
For Respondent : No Appearance

ORDER

The above petition is filed praying this Court to transfer the H.M.O.P. No. 1070 of 2021 pending on the file of Subordinate Judge, Alandur to transfer the file of Family Judge, Cuddalore.

2. The petitioner/wife married the respondent/husband on



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23.08.2018 and the marriage took place at Keezhacheeval Patti, Azhagathal Koil Veedu, Thirupathur Taluk, Sivagangai District. Due to strained relationship, the the respondent filed M.O.P.No.1070 of 2021 on the file of Subordinate Judge, Alandur.

3. The learned counsel for the petitioner submits the petitioner/wife has no one to support her, except her aged parents and Cuddalore is almost 175 km from Alandur, Chennai and it will take more than five hours to reach Chennai and the petitioner is struggling all the way in a single manner and she finds it difficult to travel on each and every hearing dates of the case to the Family Court, Alandur. He further submits that the respondent/husband has not even spent any single pie for food/medical expenses to the petitioner/wife. Hence, he seeks to transfer the above case.



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4. Heard the learned counsel for the petitioner/wife and perused the records.

5. It is not in dispute that the marriage between the petitioner and the respondent took place at Keezhacheeval Patti, Azhagathal Koil Veedu in Thirupathur Taluk, Sivagangai District as per Hindu Rites and Customs. Considering the fact that the petitioner/wife has no one to support her, except her aged parents and Cuddalore is almost 175 km from Alandur, Chennai and it will take more than five hours to reach Chennai and the petitioner is struggling all the way in a single manner and she finds it difficult to travel on each and every hearing dates of the case to the Family Court, Alandur. Now, the petitioner/wife is residing at Cuddalore District. In the interest of justice, the H.M.O.P. No. 1070 of 2021 pending from the file of Subordinate Judge, Alandur, can be transferred to the file of Family Judge, Cuddalore District. No prejudice would be caused to the respondent/husband if the said petition is allowed.

6. Under these circumstances, this Tr.C.M.P. No. 913 of 2021 is allowed. The H.M.O.P.No. 1070 of 2021 pending on the file of Family



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Court, Alandur, Chennai, is withdrawn and the same is transferred to the file of Family Court, Cuddalore District. The Family Court, Cuddalore, is directed to dispose of the H.M.O.P.No. 1070 of 2021 within a period of six months from the date of receipt of a copy of this order. Parties are directed to co-operate with the Court for early disposal of the petition. There shall be no order as to costs. Consequently, connected C.M.P. No. 20381 of 2021 is closed.

06.12.2022

Index:Yes/No

Speaking order / Non speaking order

msm

To

1. The Subordinate Judge, Alandur, Chennai.
2. The Family Judge, Cuddalore District.



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V.BHAVANI SUBBAROYAN, J.

msm

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