



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.893 of 2021
and
C.M.P.No.20009 of 2021

U.Deepa ... Petitioner/Respondent

Vs

N.Santhosh Kumar ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the O.P.No.176 of 2020 on the file of Family Court, Krishnagiri and transfer the same to Sub Court Tirupattur.

For Petitioner : M/s R.Rajarajan

For Respondent : Mr.N.Suresh

ORDER

The respondent/wife in a petition for restitution of conjugal rights filed by the husband on the file of the Family Court, Krishnagiri in O.P.No.176 of 2020 is the petitioner before this Court. The petitioner seeks to withdraw the above proceedings pending on the file of the Family Court Krishnagiri and transfer the same to the file of the Sub Court, Tirupattur.

2. Reasons for seeking the transfer are as follows:

i) She would suffer immense physical as well as financial strain to travel from her native place to Krishnagiri, Family Court to attend each and every hearing.

ii) She would also submit in her affidavit that she is now living with her parents and no maintenance has been provided by the respondent so far.

3. The respondent has entered appearance through counsel. However there is no serious objections put forth by the counsel.



4. Heard the learned counsel on either side.

5. Considering the fact that the petitioner/wife has given compelling reasons seeking the transfer and also taking into account the fact that the matter is now pending before the Family Court where the presence of parties are necessary, it would be to the benefit and advantage of both the parties, if the matter now pending before the Family Court is transferred to the file of the Sub Court where the presence of the parties for every hearing is not required. Further the respondent/husband is not paying any maintenance to the petitioner.

6. In view of the above circumstances, the Transfer Civil Miscellaneous Petition is allowed and O.P.No.176 of 2020, pending on the file of the Family Court, Krishnagiri, is withdrawn and transferred to the file of the Sub-Court, Tirupattur. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

shr

To

1. The Judge,
Family Court, Krishnagiri.

2. The Subordinate Judge,
Tirupattur.

+1cc to M/s R.Rajarajan, Advocate, S.R.No.22827

+2ccs to Mr.N.Suresh, Advocate, S.R.No.22621

Tr.CMP. No.893 of 2021
and
C.M.P.No.20009 of 2021

GMR[co]
NSK 26/04/2022