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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.908 OF 2021

Mrs.M.Dhanalakshmi

... Petitioner

-Vs-

Mr.N.Manikandan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.277 of 2021 pending on the file of the Subordinate Court, Ponneri to the file of the Family Court, Tiruvallur.

For Petitioner : Mr.C.Turibius Beski

For Respondent : Mr.V.Asiam

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.277 of 2021 filed by the husband for restitution of conjugal rights before the learned Subordinate Court, Ponneri, to the file of the Family Court, Tiruvallur.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 09.06.2016 as per Hindu rites and customs. Out the wedlock, they had one girl child by name M.Kiriti Upashana, who is 4 years old. Thereafter, the petitioner filed H.M.O.P.No.211 of 2021 on the file of the Family Court, Tiruvallur seeking divorce. The respondent as a counter blast filed H.M.O.P.No.277 of 2021 for restitution of conjugal rights before the learned Subordinate Court, Ponneri.

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



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1.The petitioner is living in her parental house along with her child.

2.The respondent husband is not providing any financial support to his wife and child.

3.The distance between the Subordinate Court, Ponneri and her residence is 84 kilometres and she cannot travel each time to attend the hearings.

4.The learned counsel for the respondent would contend that due to some wordy quarrel, the petitioner left the matrimonial home and filed H.M.O.P.No.211 of 2021 for divorce.

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

Considering the fact that the petitioner is residing at Tiruvallur having a small child it is not advisable for her to make her travel for every hearing. Therefore, in the interest of justice, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.277 of 2021 pending on the file of the Subordinate Court, Ponneri, is withdrawn and transferred to the file of the Family Court, Tiruvallur. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Subordinate Judge, Ponneri.

2. The Family Judge, Tiruvallur.

+1cc to M/s.T.Ravi, Advocate, S.R.No.24777

+1cc to M/s.V.Asalam, Advocate, S.R.No.25675

Tr.C.M.P.No.908 of 2021

GPL (CO)

RLP (10/06/2022)