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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.890 OF 2021

AND

C.M.P.NO.19944 OF 2021

A.Meenal

... Petitioner

Vs

1. R.M.Kannappan

2. Franklin Fernandous

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.187 of 201 pending before the Family Court at Sivagangai for divorce filed by the first respondent and transfer the same to V Additional Principal Judge, Family Court, Chennai.

For Petitioner : Mr.D.Panchatsaram

For Respondent-1 : Served-No Appearance

For Respondent-2 : Not ready in notice

O R D E R

The wife in a matrimonial dispute has filed the above transfer civil miscellaneous petition seeking to withdraw the H.M.O.P.No.187 of 2021 pending on the file of the Family Court, Sivagangai filed by the husband for divorce and transfer the same to the file of V Additional Principal Judge, Family Court, Chennai, where she has filed a petition for maintenance for herself and her minor daughter in M.C.No.455 of 2021.

2. Heard the learned counsel for the petitioner and perused the materials available on record. The first respondent, though served, has not entered appearance before this Court.



3. The petitioner-wife seeks to transfer H.M.O.P.No.187 of 2021 on the ground that she has been deserted by the first respondent, who not only deserted her, but has alleged adultery and filed a petition for divorce against her. She is taking care of her minor child and she is under the care and custody of her parents. She is depending on her parents even to meet her day-to-day expenses. In this situation, if she has to attend the hearings before the Family Court at Sivagangai, she would be put to irreparable hardship and financial loss. Being a Family Court, her presence for every hearing is mandatory.

4. Considering the reasons given by the petitioner-wife and also taking note of the fact that the first respondent-husband has not been maintaining the wife as well his minor child, the petitioner has made out the case for transfer and this Tr.C.M.P. is allowed. H.M.O.P.No.187 of 2021 pending on the file of the Family Court, Sivagangai shall stand withdrawn and the same is transferred to the file of the V Additional Principal Judge, Family Court, Chennai, to be tried along with M.C.No.455 of 2021. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Judge,
Family Court, Sivagangai.
2. The V Additional Principal Judge,
Family Court, Chennai

+2ccs to Mr.D.Panchatsaram, Advocate, S.R.No.28780

Tr.C.M.P.No.890 of 202
and
C.M.P.No.19944 of 2021

MT (CO)
RLP (20/05/2022)