



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1028 of 2022

and

C.M.P.No.17741 of 2022

M.Ramachandran

... Petitioner

Vs.

P.Gajalakshmi

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the MC No.3 of 2021 pending on the file of the Family Court, Chengalpattu to the file of Sub-Court, Neyveli, Cuddalore District.

For Petitioner : Mrs.D.Chandraleka

For Respondent : Mrs.V.Valarmathi



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Tr.C.M.P.No.1028 of 2



ORDER

The petition for transfer is filed to withdraw the MC No.3 of 2021 from the file of Family Court, Chengalpattu to the file of Sub-Court, Neyveli, Cuddalore District.

2. The marriage between the petitioner and the respondent was solemnised on 09.02.2007 as per Hindu rites and customs and got divorced on 17.09.2008. Two male children were born from and out of wedlock between the petitioner and the respondent, now the children are aged about 14 and 10 years respectively.

3. Admittedly the respondent is now residing at Chengalpattu, while so, she filed MC No. 3 of 2021, claiming maintenance on the file of the Family Court, Chengalpattu.

4. Since the petitioner is unable to establish that the respondent wife is gainfully employed, the maintenance given to her on the file of the Family Court, Chengalpattu cannot be transferred, and in the event of such transfer,



the same would cause prejudice to the interest of the respondent wife who is unemployed.

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5. Accordingly, the Transfer Civil Miscellaneous Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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15.12.2022

Index : Yes

Internet : Yes

Speaking order

To

1. Family Court, Chengalpattu.

2. Sub-Court, Neyveli, Cuddalore District.



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Tr.C.M.P.No.1028 of 2



S.M.SUBRAMANIAM, J.

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Tr.C.M.P.No.1028 of 2022

15.12.2022