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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.934 of 2021
and
C.M.P.No.20822 of 2021

S.Kalaivani ... Petitioner/Respondent

-Vs-

A.Rajkannu ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.164 of 2021 on the file of Subordinate Court, Tambaram, and transfer it to the file of the Family Court, Erode.

For Petitioner : Mr.S.Vinoth Kumar
For Respondent : Mr.K.Thenrajan

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.164 of 2021 filed by the husband for divorce before the Subordinate Court, Tambaram, to the file of the Family Court, Erode.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 18.10.2012 at Tiruchencode Arulmigu Kailasanadhar Aalayam, as per Hindu rites and customs. At the time of marriage, her parents, gave 42 sovereigns of gold jewels and Sridhana articles to the respondent and also spent Rs.5,00,000/- for marriage expenses. Out of the wedlock, they had one girl child by name Saishri born on 29.08.2019. The respondent never turned up to see the baby. Thereafter, the respondent filed H.M.O.P.No.164 of 2021 on the file of the Sub Court, Tambaram, for divorce.

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

"1.The petitioner is staying with her parents in Erode and she has two year old child to take care. The respondent husband has never



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cared to support his wife and the child.

2.The distance between Erode and Tambaram is too far and she cannot travel each time to attend the hearings. Further, the petitioner has no one to accompany her to the Sub Court, Tambaram, or to support her financially"

4.The learned counsel for the respondent husband would submit that the petitioner is currently working in I.T. Company and earning a sum of Rs.50,000/-. The petitioner frequently travelled from Bangalore to Erode herself. The family members of the respondent who are at Erode had already threatened the respondent and therefore, he apprehends danger at their hands. However, no proof of this allegation is made available by the respondent.

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

Admittedly, the petitioner wife is residing with her mother and she has two year old child to take care. Further, the respondent husband was not giving any maintenance either to the petitioner or to his daughter. Further, the matter is before a Family Court where the presence of parties is mandatory. Given the above circumstances this Transfer Civil Miscellaneous Petition is therefore allowed and H.M.O.P.No.164 of 2021, pending on the file of the Subordinate Court, Tambaram, is withdrawn and transferred to the file of the Family Court, Erode. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Subordinate Judge,
Tambaram.

2.The Judge,
Family Court,
Erode.

Tr.C.M.P.No.934 of 2021
and
C.M.P.No.20822 of 2021

ssn (CO)

A.SK(17/05/2022)