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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2022

CORAM

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

TR.C.M.P.NO.954 OF 2021

AND

C.M.P.NO.21362 OF 2021

Mrs.N.Sumitha

... Petitioner

Vs

Mr.S.Prakash

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.36 of 2021 pending on the file of the Family Court at Mannargudi and transfer the same to the Hon'ble Sub-Court, Kanchipuram.

For Petitioner : Mr.L.Sunil

For Respondent : Mr.R.Surya Kumaran

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to to withdraw the H.M.O.P.No.36 of 2021 pending on the file of the Family Court at Mannargudi and transfer the same to the Hon'ble Sub-Court, Kanchipuram.

2. The Transfer is sought for by the petitioner/wife on the ground that she is residing in Kattavakkam Village Kanchipuram with her parents. It is her grievance that she finds it very difficult to travel along with her parents from Kanchipuram to Mannargudi for every hearing. She is depending entirely on her father for her expenses. Her father is working as a daily wage mason and therefore, she is not able to spend money for travel for every hearing. Since the matter is before a Family Court, the presence of the parties is mandatory. Further, the respondent/husband is not paying any maintenance to her.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.



4. Considering the reasons given and the fact that the petitioner/wife is residing within the Jurisdiction of the Subordinate Court, Kanchipuram, this Court is of the considered view that the request for transfer should be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.36 of 2021 pending on the file of the Family Court at Mannargudi is withdrawn and transferred to the file of the Subordinate Court, Kanchipuram. The learned Subordinate Judge shall first attempt Mediation between the parties, if the Mediation fails, the learned Judge shall take up the H.M.O.P.No.36 of 2021. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Family Court, Mannargudi.
2. The Subordinate Court, Kanchipuram.
3. The Section Officer, V.R.Section, High Court, Madras.

+1cc to Mr.R.Surya Kumaran, Advocate, S.R.No.19294

Tr.C.M.P.No.954 of 2021
and
C.M.P.No.21362 of 2021

PMK (CO)
PM/05/04/2022