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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.948 of 2021  
and  
CMP No.21226 of 2021

Mrs.K.Vidhya Lakshmi

... Petitioner/Respondent

Vs

V.Naveenkumar

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.129 of 2019 pending on the file of the learned Subordinate Judge, Tirupattur Vellore filed by the respondent/petitioner and transfer to the Hon'ble Subordinate Court as Hosur, to enable the petitioner/respondent to defend the case effectively.

For Petitioner : Mr.R. Srinivasalu

For Respondent : No Apperance

ORDER

The respondent wife is the petitioner before this Court seeking to transfer H.M.O.P No.129 of 2019 filed by the respondent husband on the file of the Sub Judge Tirupattur, Vellore District to the file of the Sub Judge Hosur. The said proceeding namely H.M.O.P.No.129 of 2019 has been filed by the respondent husband seeking a divorce.

2. The petitioner would seek to have the transfer on the following grounds:

a) The petitioner is unemployed and residing with her parents with her 2 years old child.



b) The respondent husband has not provided any maintenance either to the petitioner or to his minor son and therefore, for every need the petitioner has to look to her parents.

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3. The petitioner is living at Bangalore, presently with her parents and traveling to Hosur, would be just a distance of 39 kms., whereas, traveling to the Tirupattur would involved a distance of over 140 Kms.

4. The respondent, though notice had been issued to him has refused to receive the same despite intimation of the same being given to him. Both notice sent through Court as well as privately has been returned with very same endorsement 'unclaimed'. Therefore, this Court by an order dated 08.02.2022 had deemed service to be completed on the respondent.

5. Heard the learned counsel for the petitioner.

6. Considering the fact that the petitioner is now residing at Bangalore and as the husband is not giving her any maintenance, she cannot be made to travel to Tirupattur, to attend to the matrimonial proceedings. It is also seen that her 2 year old son is under her care and custody. Therefore, the request for seeking to transfer the proceedings to the Sub-Court at Hosur, appears reasonable and accordingly, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P No.129 of 2019 is withdrawn from the file of the Subordinate Court Tirupattur, and transferred to the file of the Hon'ble Subordinate Court Hosur. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,  
Tirupattur, Vellore.



2. The Subordinate Court,  
Hosur.

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+1cc to M/s.R.Srinivasalu, Advocate, S.R.No.8526

Tr.CMP. No.948 of 2021  
and  
CMP No.21226 of 2021

PMK (CO)  
SU (28/02/2022)