



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

C O R A M

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.969 OF 2021

AND

C.M.P.NO.21528 OF 2021

Rupilaa ... Petitioner/Respondent

Versus

Rajan ... Respondent/Petitioner

PRAYER:-

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw the Judicial Separation Petition in H.M.O.P.No.183 of 2021 pending on the file of the District Family Court, Perambalur and transfer the same to the file of Sub Court, Mettupalayam, Coimbatore District.

For Petitioner .. Mr.A.Saranraj

For Respondent .. Mr.J.Lokesh

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the Judicial Separation Petition in H.M.O.P.No.183 of 2021 pending on the file of the District Family Court, Perambalur and transfer the same to the file of Sub Court, Mettupalayam, Coimbatore District.

2. It is seen that the petitioner/wife has filed M.C.No.16 of 2021 which is pending on the file of the learned Judicial Magistrate, Mettupalayam. This clearly indicates that the respondent husband is not taking any steps to maintain his wife (the petitioner herein) and his minor son. While so he cannot demand that his wife, the petitioner herein should appear at Sub-Court, Mettupalayam when she is residing at Perambalur. Therefore, in the interest of justice the transfer has to be effected. The maintenance petition is yet to be disposed of. The



petition has been filed on behalf of the minor son as well. Therefore, the learned Family Judge, Perambalur shall take up the H.M.O.P.No.183 of 2021 when it is transferred for hearing after the maintenance case is disposed of or if the husband starts paying maintenance to the wife and child, whichever is earlier.

3. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gba/ab

To

1. The District Family Court,
Perambalur.
2. The Sub Judge,
Mettupalayam,
Coimbatore District.

Copy To:-

The Judicial Magistrate,
Mettupalayam.

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AK(CO)
PBS/17/03/2022