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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.993 OF 2021

&

C.M.P.NO.21813 OF 2021

Lavanya

... Petitioner

.Vs.

Suresh Kumar

... Respondent

PRAYER:-

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.103 of 2021 on the file of the Family Court, Karur and transfer the same to Sub Court, Alandur.

For Petitioner : Mr.AGD Bala Kumar

For Respondent : Mr.R.Prabhakar

ORDER

The wife who is the respondent in the proceedings for divorce initiated by the respondent husband before the Family Court, Karur is the petitioner before this Court. The respondent husband has filed H.M.O.P.No.103 of 2020 on the file of the Family Court, Karur.

2. The learned counsel for the petitioner would submit that she had been deserted by the respondent husband and she is living with her parents at Dindigul and now got placement in Mindgate Solutions Private Limited, Office at SIDCO, Industrial Estate, Guindy, Chennai.

3. The learned counsel for the petitioner would submit that the petitioner has been compelled to take Job as the respondent husband has not been giving her any amount towards maintenance. The petitioner would have to travel for every hearing to Karur.



The petitioner is a lone woman and travelling from Alandur to Karur would be not only a financial challenge but also a mental strain. That apart, since the petitioner has just joined the company, her frequent absence may cost her work.

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4. Mr.R.Prabhakar, learned counsel who had entered appearance for the respondent filed a counter stating that the petitioner is not permanently residing at Chennai and that she seeks transfer only on account of her work, which could also be subject to transfer. Therefore, Chennai is not the petitioner's permanent address and there cannot be a frequent transfer, wherever the petitioner gets employment.

5. Considering the fact that the petitioner wife is the respondent before the Trial Court and also considering the hardship that is likely to be caused to her on account of her having to travel to the Family Court, Karur for every hearing, this Court is of the view that the transfer Civil Miscellaneous Petition should be allowed and is accordingly allowed. H.M.O.P.No.103 of 2020 pending on the file of the Family Court, Karur is withdrawn and transferred to the Sub Court, Alandur. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court,
Karur.
2. The Sub Court,
Alandur.

+1cc to Mr.R.Prabhakar, Advocate, S.R.No.9658

TR.C.M.P.NO.993 OF 2021

PL(CO)
PBS/07/03/2022