



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.C.M.P. No.970 of 2021
and C.M.P. No.21587 of 2021

M.Nirmaladevi

...Petitioner/Respondent

Vs.

Karthikeyan

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the proceedings in H.M.O.P. No.277 of 2021 pending on the file of Family Court at Erode and transfer the same to the Sub Court at Alandur for disposal.

For Petitioner : Mr.M.Nirmalkumar

For Respondent : Mr.P.M.Duraiswamy

O R D E R

The above transfer civil miscellaneous petition is filed by the wife seeking to transfer H.M.O.P. No.277 of 2021 filed by the respondent husband for divorce on the file of the Family Court, Erode to the file of the Sub Court at Alandur.

2. The petitioner-wife had also filed a maintenance petition in M.C.No.13 of 2022 before the Additional Mahila Court at Alandur and the same is pending.

3. The grounds seeking transfer are as follows:

a) The petitioner is under the care and protection of her aged parents who in turn, depending on her brother's income.

b) It is financially unconceivable for the petitioner to travel to Erode to attend the proceedings in H.M.O.P.No.277 of 2021 at Erode, as she is now jobless and residing in her brother's house.

c) The Sub Court at Alandur has jurisdiction, since the petitioner is living within its jurisdiction.



4. Heard the learned counsels and perused the records.

5. Admittedly, the matter is pending before the Family Court, where the presence of parties is mandatory. Since the appearance of the parties is not mandatory before the Sub Court, it may not be difficult for the respondent-husband to attend the Court hearings. Hence, it would not be prejudicial for him, if the matter is transferred to Sub Court, Alandur.

6. Taking into consideration the above grievances expressed by the petitioner, this Court deems it fit to transfer the said H.M.O.P.No.277 of 2021 from the file of the Family Court, Erode to the file of the Sub Court, Alandur. Accordingly, Tr.C.M.P is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

srn /ab

To

1.The Judge,
Family Court,
Erode.

2.The Subordinate Judge,
Alandur.

Copy to:

The Section Officer,
VR Section,
Madras High Court,
Chennai.

+1cc to Mr.M.Nirmal Kumar, Advocate SR. No.18067
+1cc to Mr.P.M.Duraiswamy, Advocate SR. No.18278

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MT (CO)
PR (01/04/2022)