



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.01.2022**

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.453 of 2021
and
C.M.P. (MD) No.8726 of 2021

S.Sathya

.. Petitioner

-vs-

K.Ponmani

.. Respondent

Prayer :- Tr.C.M.P Petition filed under Section 24 Civil Procedure Code to withdraw the case in H.M.O.P.No.130 of 2021, from the file of the Sub-Court, Palani and to transfer the same to the Family Court, Theni.

For Petitioner : Mr.G.Rajan

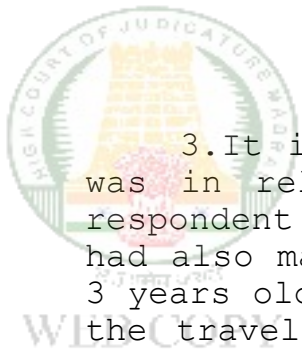
For Respondent : No Appearance

ORDER

(Heard through Video Conferencing)

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking transfer of the petition for divorce, filed by the respondent/husband, in H.M.O.P.No.130 of 2021 from the file of the Sub Court, Palani, to the Family Court, Theni.

2.The case of the petitioner is that she is working as a Police Constable and is residing in the Armed Reserve Force Quarters at Theni. The marriage between her and the respondent herein was solemnised on 14.09.2016 and after their marriage, they started living in the Quarters. The respondent, though he has completed his Degree along with Teacher's Training, did not show any interest in searching for a job and was living a luxurious life on the petitioner's salary and tortured the petitioner to give money. However, the petitioner did not bother about the same, since she was of the thought that the respondent would change his attitude over a period of time. In these circumstances, a female child was born to them.



3.It is the further case of the petitioner that the respondent was in relationship with another girl and suppressing this, the respondent had married the petitioner. Subsequently, the respondent had also married the other girl. Further, the petitioner, with her 3 years old female child, is now living with her mother at Theni and the travel from Theni to Palani is nearly 240 kms, for which she needs the assistance of her mother and therefore, it would be difficult for her to travel to Palani. For these reasons, she would sought to have the proceedings transferred from the file of the Sub Court, Palani, to the Family Court, Theni.

4.Heard the learned counsel for the petitioner. The respondent, though served, had not entered appearance.

5.Considering the reasons given in the affidavit and taking into account the petitioner's job, it is clear that the petitioner would be put to a lot of hardship, if she is made to travel to Palani, to attend the hearings. That apart, considering the fact that the respondent/husband is not discharging his duty either as a husband or as a father in maintaining his wife and child emotionally, physically or monetarily, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.130 of 2021 pending on the file of the Sub Court, Palani, is withdrawn and transferred to the file of the Family Court at Theni. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Sub Judge, Palani.

2.The Judge,Family Court, Theni.

+1 CC to M/s.G.RAJAN, Advocate (SR-496[F] dated 05/01/2022)

Tr.C.M.P.(MD) No.453 of 2021

Dated: 05.01.2022

MGJ(07.02.2022) 2P 4C