



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.539 of 2021
and
C.M.P. (MD) No.9800 of 2021

V.Akilandeeswary ... Petitioner/ Respondent

-vs-

K.Vijayaraman ... Respondent / Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the case in HMOP.No.174 of 2021 on the file of the learned Subordinate Judge, Sivakasi and transfer the same to the learned Family Court, Tirunelveli.

For Petitioner : Mr.V.S.Venkateshvaran

For Respondent : No appearance

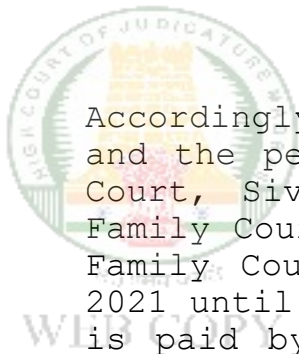
ORDER

The petitioner/wife seeks to have H.M.O.P.No.174 of 2021 filed by her husband on the file of the Sub Court, Sivakasi transferred to the Family Court, Tirunelveli.

2.Once again there is no representation on behalf of the respondent. However, considering the fact that the issue involved is only for transfer, the Court is proceeding to pass orders in the absence of the respondent.

3.In the affidavit filed in support of her transfer petition, the petitioner would state that despite the order for payment of maintenance, the respondent has failed to pay the same as directed by this Court. In fact, the respondent had taken up the order in criminal revision in CrI.R.C(MD)No.360 of 2019 and the same is pending, though the stay petition has been dismissed. The minor daughter is also living with the petitioner and she has to take care of her.

4.In the above circumstances, interest of justice would be served if the transfer civil miscellaneous petition is ordered.



Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.174 of 2021 on the file of the Sub Court, Sivakasi is withdrawn and transferred to the file of the Family Court, Tirunelveli. It is made clear that the learned Judge, Family Court, Tirunelveli, shall not proceed with HMOP No.174 of 2021 until such time as the entire arrears due under the maintenance is paid by the respondent or unless he produces an order setting aside the order for payment of maintenance. Till such time HMOP shall be kept in abeyance. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

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 Subordinate Judge,
Sivakasi

2.The Judge,
Family Court,
Tirunelveli.

+1 CC to M/s.VSV.VENKATESHVARAN, Advocate (SR-2549[F] dated 27/01/2022)

Tr.C.M.P. (MD) No.539 of 2021 and
C.M.P. (MD) No.9800 of 2021

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RD(15.02.2022) 2P 4C