



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2022

CORAM:

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

Tr.C.M.P. (MD) No.613 of 2021

and

C.M.P. (MD) No.11046 of 2021

Vinitha ... Petitioner

-vs-

R.Saravanan ... Respondent

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.760 of 2020 on the file of the Subordinate Court, Poonamallee, Tiruvallur District, to the Family Court at Sivagangai, Sivagangai District.

For Petitioner : Mr.NA.Palaniyandi

For Respondent : No appearance

ORDER

The respondent / wife has filed this petition for transferring the proceedings in H.M.O.P.No.760 of 2020 filed by her husband on the file of the Subordinate Court, Poonamallee for divorce to the file of the Family Court, Sivagangai. The transfer is sought for, for the following reasons:

a)the respondent / husband had ill-treated and physically abused the petitioner for which an application is pending before the learned Judicial Magistrate at Thiruppathur, Sivagangai District in D.V.C.No.1 of 2021.

b)the husband has not been giving any maintenance to his wife,

c)the matter is now posted before the learned Subordinate Judge, Poonamallee and the petitioner herein who is residing at Sivagangai would have to travel nearly 415 Kms and she would also not be in a position to travel by herself and would have definitely take an assistance of a companion which would result in an additional financial strain on her parents.

2.The learned counsel appearing for the petitioner would once again submit the above reasons for seeking transfer of the proceedings.



3. The respondent who has been served has not entered appearance either in person or through counsel. He had been served on 13.01.2022.

4. On hearing the submissions of the learned counsel for the petitioner and perusing the records, I am of the view that the petitioner has given sufficient reasons for transferring the petition filed before the Subordinate Judge, Poonamallee, to the file of the Family Court, Sivagangai. The respondent husband is also not paying any maintenance to the wife and in this circumstances, he cannot seek to have her appear before the Subordinate Court, Poonamallee, when she is now residing at Sivagangai. The Court at Sivagangai also has the jurisdiction to hear the petition.

5. Therefore this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.760 of 2020 is withdrawn from the file of the Subordinate Court, Poonamallee, Tiruvallur District and transferred to the file of the Family Court, Sivagangai, Sivagangai District. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn

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, Poonamallee, Tiruvallur District.

2.The Judge, Family Court, Sivagangai, Sivagangai District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-3780[F] dated 02/02/2022)

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RD(17.02.2022) 2P 4C

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