



WEB COPY



Tr.CMP.No. 25 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 25 of 2023

and

C.M.P. No. 822 of 2023

Keerthika Lakshmi

.. Petitioner

Versus

Balaji

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 378 of 2022 from the file of the Sub Court, Thiruvottiyur, and to transfer the same to the file of the I Additional Family Court, Chennai and to be tried along with M.C.No. 432 of 2022.

For Petitioner : Mr.K. Thenrajan
For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the H.M.O.P. No. 378 of 2022 from the file of the Sub Court, Thiruvottiyur, and to transfer the same to the file of the I Additional Family Court, Chennai and to be tried along with M.C.No. 432 of 2022.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 15.09.2017 as per the Hindu Marriage Act, 1955. Out of their wedlock, they got a female child. After the marriage, the respondent along with his family members demanded more dowry from the petitioner. The respondent had also illegal intimacy with several women. When the same was questioned by her, the respondent threatened her with dire consequences. In this regard, the petitioner lodged a complaint before the All Women Police Station, Manali, against the respondent in Crime No. 22 of 2022 for the offences under Sections 498(A) and 506(i) IPC. Further, the respondent is a Seaman and earning a sum of Rs.2,80,000/- p.m., and he failed to maintain his family. Therefore, the petitioner filed a maintenance case in M.C.No. 432 of 2022 on the file of the I Additional Family Court, Chennai and D.V.C.No. 37 of 2022 on the file of the XV Metropolitan Magistrate, George Town, Chennai, against the respondent and his parents. The respondent had filed HMOP.No. 378 of 2022 on the file of Sub Court, Thiruvottiyur seeking divorce from the petitioner. The petitioner states that she is residing along with her aged parents at Chennai and she is not working in any employment and hence, she is unable to travel from Chennai to Thiruvottiyur to conduct the case for every hearings. Since the parents of the petitioner are aged persons and they are not in a position to render any



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assistance to the petitioner to conduct the case. Therefore, the petitioner has

come forward with the present petition under Section 24 of CPC.

3. Having regard to the facts and circumstances of the case, this Court is inclined to transfer the proceedings. Since the respondent did not appear or file any counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of submission of the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, H.M.O.P.No. 378 of 2022 pending on the file of the Sub Court, Thiruvottiyur, is hereby withdrawn and transferred to the file of the I Additional Family Court, Chennai, and to be tried along with M.C.No. 432 of 2022.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

19.09.2023

Index: Yes/No

Speaking order / Non speaking order

MSM



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To

1. The Sub Court, Thiruvottiyur.
2. The I Additional Family Court, Chennai.



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V. BHAVANI SUBBAROYAN, J

MSM

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