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Tr.C.M.P.No.239 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Tr.C.M.P.No.239 of 2023

Ananthi

... Petitioner

Vs.

Vaashkumar

... Respondent

PRAYER: Petition is filed under Section 24 of C.P.C., to pass an order withdraws the H.M.O.P.No.79 of 2022 pending before the Subordinate Court at Ramanathapuram and transfer the same to the Family Court, Salem.

For Petitioner : Mr.M.Subash

For Respondent : No appearance

ORDER

This petition has been filed to transfer the case in H.M.O.P.No.79 of 2022 on the file the learned Subordinate Judge, Ramanathapuram, to the Family Court, Salem.

2. The petitioner is the wife against whom the husband filed petition in H.M.O.P.No.79 of 2022 on the file of the Subordinate Court, Ramanathapuram seeking divorce. Before to this petition, the petitioner filed



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maintenance case in M.C.No.47 of 2022 before the Family Court, Salem claiming maintenance for her and her minor daughter. After receiving notice from the maintenance case, the husband filed petition for divorce as counter blast. Since she is living with her minor daughter without any source of income, she unable to attend the Court hearing by traveling 300 k.m. Hence she prays to transfer the said H.M.O.P., to try along with maintenance case pending before the Family Court, Salem.

3. Heard the learned counsel appearing for the petitioner and perused records. Though notice served, no representation for the respondent.

4. Considering the submission made by the learned counsel appearing for the petitioner and on perusal of records revealed that the petitioner is living with her minor daughter without any source of income under the care of her parents. Further she filed petition for maintenance in the Family Court, Salem and thereafter her husband filed petition for divorce. The reason assigned by the petitioner is justifiable and this Court is inclined to allow this petition.



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5. Accordingly, the case in H.M.O.P.No.79 of 2022 pending before the learned Subordinate Judge, Ramanathapuram, is withdrawn and transferred to the Family Court, Salem, to try along with maintenance case in M.C.No.47 of 2022 on the file of the Family Court, Salem. The learned Subordinate Judge, Ramanathapuram, is directed to send all the records in H.M.O.P.No.79 of 2022 to the Family Court, Salem, within a period of two weeks from the date of receipt of copy of this Order.

6. With the above directions, this Transfer Civil Miscellaneous Petition is allowed. There shall be no order as to costs.

28.03.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

rts



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T.V.THAMILSELVI, J.

rts

To

1. The Subordinate Judge,
Ramanathapuram.
2. The Judge,
Family Court,
Salem.

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