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Tr. CMP. No.457 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.457 of 2023
and C.M.P.No.10376 of 2023

T.Edith Lydia

.... Petitioner

-Vs-

R.Suganthan

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdrawal of the Petition filed under Section 10(1) VII, X of Indian Divorce Act,1869 in I.D.O.P.No.581 of 2022 from the file of the Ho 'ble Family Court at Salem and transfer the same to the Court of the Hon'ble VII Additional Family Court, Chennai.

For Petitioner : Mr.S.Sachin Priya Daniel

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to withdraw the I.D.O.P.No.581 of 2022 on the file of the Family Court, Salem and transfer to the



VIIIth Additional Family Court, Chennai.

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2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent on 18.05.2018. He further submitted that the respondent had illegal relationship with another girl and he accepted the same. Thereafter, the respondent filed a petition for divorce in I.D.O.P.No.581 of 2022 before the Family Court, Salem on making false allegation against the petitioner. He further submitted that the petitioner is living with her aged parents without source of income and it is very difficult for the petitioner to attend the court hearings at Salem. Hence, he prays to allow this petition.

3. The Court records show that the notice issued by this Court was served on the respondent. Hence, as the respondent is not coming before this Court either in person or through a counsel, in spite of the service of notice, this Court is of the view that the respondent has no objection for allowing the Tr.C.M.P. in favour of the petitioner.



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4. Considering the facts and circumstances of the case and also the fact that the petitioner is living with her aged parents without any source of income. Therefore, the reasons stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the I.D.O.P.No.581 of 2022 pending on the file of the Family Court, Salem, is withdrawn and transferred to the file of the learned VIIth Additional Family Court, Chennai. Consequently, connected miscellaneous petition is closed. No costs.

5. The trial Judge, VIIth Additional Family Court, Chennai, is directed to issue notice to the respondent/husband, within a period of two weeks from the date of receipt of a copy of this order and proceed with case as per manner known to law.

14.12.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index :Yes/No

msrm

To

1.The Family Court, Salem.

2.The learned VIIth Additional Family Court, Chennai.

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T.V.THAMILSELVI, J.

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