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Tr. CMP. No.967 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.545 of 2023
and C.M.P.No.12876 of 2023

Anitha Petitioner

-Vs-

S.Prince Rajesh Kumar Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the HMOP.No.24 of 2023 on the file of Sub Court, Valliyur and to transfer to Sub Court, Dharapuram.

For Petitioner : Mr.K.Sudhakar

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to withdraw the HMOP.No.24 of 2023 on the file of Sub Court, Valliyur and to transfer the same to the Sub Court, Dharapuram.



2. The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent solemnized on 11.02.2018 and they begotten female child. He further submitted that the petitioner has been tortured at the hands of the respondent and his family members. Now, the respondent is residing at abroad, he filed a petition for divorce in HMOP.No.24 of 2023 on the file of the Sub Court, Valliyur. on making false allegations against this petitioner. He further submitted that the petitioner is living with her parents along with her child without any source of income. He also further submitted that the petitioner filed petition for Maintenance in M.C.No.18 of 2023 before the Judicial Magistrate, Dharapuram and it is very difficult for the petitioner to attend the court hearings at Valliyur and she was unable to travel 700 kilometers along with her child. 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 parents house along with her child and she unable to travel for 700 kilometers. Therefore, the reasons stated by the petitioner and the same is justifiable. Till date, there is no maintenance amount paid by the respondent. Hence, this Court directs the respondent to pay a sum of Rs.10,000/- as interim maintenance to the account of the petitioner on the first week of every Month of English Calender from November 2023 onwards until modified by the Court of law.

5. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.No.24 of 2023 pending on the file of the Sub Court, Valliyur, is withdrawn and transferred to the file of the Sub Court, Dharapuram. Consequently, connected miscellaneous petition is closed. No costs.

6. The Sub Court, Dharapuram, is directed to issue notice to the respondent/husband and proceed with the case in the manner known to law.

01.11.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No



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T.V.THAMILSELVI, J.

msrm

To

1.The Sub Court, Valliyur.

2.The Sub Court, Dharapuram.

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