



WEB COPY



Tr.C.M.P.No.575 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.575 of 2023 &
C.M.P.No.14086 of 2023**

D.Durgadevi ... Petitioner

Vs.

S.Devaneyan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.50 of 2022 on the file of Sub Court, Thiruvarur to the file of Family Court, Chennai.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.G.A.Damodaran

ORDER

The present petition has been filed to withdraw and transfer the H.M.O.P.No.50 of 2022 on the file of Sub Court, Thiruvarur to the file of Family Court, Chennai.

2. The learned counsel on either side and the petitioner are present.

The respondent / husband is not present.



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3. The petitioner submitted that the respondent is not paying any maintenance amount and she is not working, therefore, she finds it very difficult to travel from Chennai to Thiruvavur to attend the court proceedings. Further her children are studying in school at Chennai, thereby she finds very difficult to travel to Thiruvavur.

4. The learned counsel for the respondent submits that the respondent has filed a memo before the court below in order to withdraw the petition, viz., H.M.O.P.No.50 of 2022, [which was filed by the respondent for restitution of conjugal rights] and accordingly, the said petition was dismissed as withdrawn. He would also submit that since the mother of the respondent is admitted at hospital, the respondent is not in a position to attend the court today.

5. Considering the fact that the respondent has withdrawn the main H.M.O.P.No.50 of 2022 filed by him before the Sub Court, Thiruvavur, this petition seeking transfer of the said petition to the file of Family Court, Chennai does not arise and the present Petition is liable to be closed.

6. Accordingly, the present Petition is closed, as nothing survives for adjudication. Consequently connected miscellaneous petition is closed.
No costs.

08.09.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

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- To
1. The Subordinate Court,
Thiruvarur
 2. The Family Court,
Chennai



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V.BHAVANI SUBBAROYAN J.

ssd

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