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Tr. CMP. No.867 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.867 of 2023
and C.M.P.No.20597 of 2023

N.Dhanalakshmi

.... Petitioner

-Vs-

R.Sankar

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.246 of 2021 pending on the file of Sub Court, Srivilliputtur and transfer the same to the Family Court, Chennai.

For Petitioner : M/s.N.Prasanthi

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to withdraw the H.M.O.P.No.246 of 2021 pending on the file of Sub Court, Srivilliputtur and transfer the same to the Family Court, Chennai.



2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent on 22.08.2010 and they having girl child. Further, the respondent has ill treated the petitioner, due to which, the petitioner had left out from the matrimonial home. Thereafter, the respondent filed a petition for restitution of conjugal rights in HMOP.No.46 of 2012 and the same was decreed on 28.10.2014. On the other hand, the respondent filed a petition for divorce in HMOP.No.246 of 2021 before the Sub Court, Srivilliputtur 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 along with her child at Srivilliputtur. 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the present Tr.C.M.P. is allowed and the HMOP.No.246 of 2021 pending on the file of the Sub Court, Srivilliputtur, is withdrawn and transferred to the file of the Family Court, Chennai. Consequently, connected miscellaneous petition is closed. No costs.

5. The trial Judge, 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 Sub Court, Srivilliputtur.
2.The Family Court, Chennai.



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T.V.THAMILSELVI, J.

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