



WEB COPY



Tr.CMP. No.646 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.646 of 2023
and C.M.P.No.16033 of 2023

C.Umarani

.... Petitioner

-Vs-

B.Dharanibabu

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the case in HMOP.No.169 of 2022 on the file of the learned Subordinate Judge at Rasipuram, Namakkal District and to transfer the same to the Family Court, at Salem, Salem District.

For Petitioner : Mr.M.Marimuthu

For Respondent : Mr.N.Prasath

ORDER

This petition has been filed by the petitioner seeking to withdraw the case in HMOP.No.169 of 2022 from the file of the learned Subordinate Judge at Rasipuram, Namakkal District and to transfer the same to the Family Court at Salem, Salem District.



2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent on 26.02.2020 as per the Hindu Marriage Act, Out of their wedlock, they got male child. After a few month, the respondent and his family members have harassed the petitioner and demanded additional dowry from the petitioner. Further, the respondent filed a petition for divorce in HMOP.No.169 of 2022 before the learned Subordinate Judge, Rasipuram, Namakkal District, on making false allegation against the petitioner. He further submitted that the petitioner's parents have tried to settle the problem between them but the respondent has refused the same. He further submitted that the petitioner is living with her parents at Salem and it is very difficult for the petitioner to attend the court hearings along with her children at Rasipuram, Namakkal District. Hence, he prays to allow this petition.

3.The learned counsel for the respondent submitted that the respondent has raised formal objection to allow this petition.

4. Considering the facts and circumstances of the case and also the fact that the petitioner is living with her parents and she unable to attend the Court hearings along with her children. Therefore, the reasons stated by the petitioner



Tr.CMP. No.646 of 2022

and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.No,169 of 2022 pending on the file of the learned Subordinate Judge at Rasipuram, Namakkal District, is withdrawn and transferred to the file of the Family Court, Salem. Consequently, connected miscellaneous petition is closed. No costs.

5. The Family Court, Salem, 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 the case as per manner known to law.

09.10.2023

Speaking / Non Speaking order

Neutral Citation : Yes/No

Index :Yes/No

msrm

To

1.The Subordinate Court, Rasipuram, Namakkal District.

2.The Family Court, Salem.



WEB COPY



Tr.CMP. No.646 of 2023

T.V.THAMILSELVI, J.

msrm

TR.CMP No.646 of 2023
and C.M.P.No.16033 of 2023

09.10.2023