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Tr.CMP.No 668 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 668 of 2023

and

C.M.P. No. 16509 of 2023

Divya

.. Petitioner

Versus

V. Sudhakar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 243 of 2022 from the file of the I Additional Family Court, Chennai and to transfer the same to the file of the Family Court, Thanjavur, to be tried along with M.C.No. 14 of 2023.

For Petitioner	: Mr.K. Sudhakar
For Respondent	: Mr.J. Janarthanan

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw the H.M.O.P. No. 243 of 2022 from the file of the I Additional Family Court, Chennai, and to transfer the same to the file of the Family Court, Thanjavur, to be tried along with M.C.No. 14 of 2023.



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The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 24.05.2010 as per the Hindu Marriage Act, 1955. After completion of marriage, they were lived at the respondent's house. Out of their wedlock, a child, namely, Akshith born on 28.07.2012, he was suffering from kidney problem, since 2012 the child was in a critical condition, her parents spent Rs.1,50,000/- for the treatment of the child at Thanjavur. The respondent/husband did not spend money to the wife and her child. The respondent had illegal relationship with one Nirmala. When the same was questioned by her, the respondent threatened her with dire consequences. Therefore, the petitioner seeking her native place at Thanjavur. Apart from this, her child is studying VI Standard in Maxwell Matriculation Higher Secondary School, Thanjavur. The respondent/husband filed a petition for divorce in H.M.O.P. No.243 of 2022 before the I Additional Family Court, Chennai. The petitioner states that she is residing along with her aged parents at Thanjavur. The petitioner is not working any employment anywhere and hence, she is unable to travel from Thanjavur to Chennai to conduct the case for every hearings. Since the parents of the petitioner are aged persons and they are not in a position to render any assistance to the petitioner to conduct the case. Therefore, the petitioner has come forward with the present petition under



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Section 24 of CPC.

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3. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Since the respondent did not appear or file any counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of submission of the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, H.M.O.P. No.243 of 2022 pending on the file of the I Additional Family Court, Chennai, is hereby withdrawn and transferred to the file of the Family Court, Thanjavur, and to be tried along with M.C.No. 14 of 2023 pending before the Family Court, Thanjavur.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

19.09.2023

Index:Yes/No
Speaking order / Non speaking order
MSM

To



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1. The I Additional Family Court, Chennai.
2. The Family Court, Thanjavur.



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V. BHAVANI SUBBAROYAN, J

MSM

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