



Tr.C.M.P.No.694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM:

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

**Tr.C.M.P.No.694 of 2023 and
C.M.P.No.16903 of 2023**

L.Bhuvaneshwari

... Petitioner

Vs.

K.Lalith Kumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw M.C.No.13 of 2013 on the file of learned Judicial Magistrate, Gudiyatham, Vellore District and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.J.Muthukumaran

For Respondent : Mr.S.Menaka

ORDER

The present petition has been filed to withdraw M.C.No.13 of 2013 on the file of learned Judicial Magistrate, Gudiyatham, Vellore District and transfer the same to the Family Court, Chennai.



Tr.C.M.P.No.694 of 2023

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2. According to the petitioner, she is the wife of the respondent and their marriage was solemnised on 15.09.1996 as per Hindu Rites and Customs at P.S.D.Kalyana Mandapam, Kothuval, Chavadi Street, Saidapet, Chennai and thereafter, the petitioner started to live with the respondent, thereafter, there was matrimonial dispute between them and due to wedlock, two female children were born to them. The respondent filed H.M.O.P.No.97 of 2012 on the file of Sub Court, Gudiyatham containing false allegations for divorce and the same was dismissed with default on 16.09.2016. The petitioner filed M.C.No.13 of 2013 seeking maintenance for herself and two children. Further, the petitioner filed C.M.P.No.4150 of 2013 for interim maintenance before the learned Judicial magistrate, Gudiyatham and the same was ordered on 09.12.2013 stating that the respondent should pay Rs.1,000/- each to the petitioners and ordered to dispose of the main case within a month. The respondent has not been paying the same regularly as ordered by the court. Since after separation, the petitioner is residing at Chennai for more than 8 years and the children are studying at Chennai, she finds it difficult for attending the court proceedings, hence this petition.

3. The learned counsel for the petitioner submits that the petitioner's children are studying at Chennai and the petitioner finds it difficult to



Tr.C.M.P.No.694 of 2023

proceed to Gudiyatham to attend the hearing in M.C.No.13 of 2013 pending on the file of Judicial Magistrate Court, Gudiyatham. Further, the respondent is working in the Government hospital as pharmacist and getting salary more than Rs.80,000/- per month and the petitioner is not working elsewhere. That apart, the petition was filed in the year 2012 and the respondent has not been evincing any interest to prosecute the case and threatening the petitioner not to attend the court, thereby seeks to allow the present petition.

4. The learned counsel for the respondent submits that already the court below had commenced the trial and the case is pending for evidence on the side of the respondent, therefore submitted that seeking for transfer of case at this stage is not appropriate.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. Considering the facts and circumstances of the case and taking note of the fact that the trial court has commenced trial and the case is pending for recording evidence on the side of the respondent and coupled with the fact that case is pending from the year 2013, this Court hereby directs the learned Judicial Magistrate, Gudiyatham to complete the



Tr.C.M.P.No.694 of 2023

respondent's evidence and pass appropriate orders within a period of four weeks from the date of hearing of the respondent.

In view of the above, the present Tr.C.M.P. is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

22.09.2023

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

To

1. The Judicial Magistrate,
Gudiyatham, Vellore District
2. The Family Court,
Chennai.



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V.BHAVANI SUBBAROYAN J.

ssd

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