



WEB COPY

Tr.C.M.P.No.726



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.726 of 2023

and

C.M.P.No.17591 of 2023

Mrs.Lakshmi Priya

... Petitioner

Vs.

Mr.Balamurugan

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP No.166 of 2023 pending on the file of the Learned Additional Subordinate Judge, Kumbakonam, and to transfer the same to the file of the Family Court, Cuddalore where already Maintenance Case filed by the petitioner in M.C.No.25 of 2023 is pending.

For Petitioner : Mr.R.Ajitha

For Respondent : Insufficient Address

ORDER

The petition for transfer is filed to withdraw the HMOP No.166 of 2023 pending on the file of the Learned Additional Subordinate Judge, Kumbakonam, and to transfer the same to the file of the Family Court, Cuddalore where already Maintenance Case filed by the petitioner in M.C.No.25 of 2023 is pending.

2. The marriage between the petitioner and the respondent was solemnised



on 10.05.2015. On account of matrimonial dispute, the petitioner and the respondent are living separately. The respondent, has filed HMOP No. 166 of 2023 before the Additional Subordinate Court, Kumbakonam and the petitioner has filed a Maintenance Case in M.C.No.25 of 2023 before the Family Court, Cuddalore.

3. Considering the distance between the petitioner's house and the Court, and also the fact that the petitioner is living with no source of income, this Court is inclined to transfer the HMOP No.166 of 2023 pending on the file of the Additional Subordinate Court, Kumbakonam.

4. In view of the facts and circumstances, the H.M.O.P.No.166 of 2023 pending on the file of the Learned Additional Subordinate Judge, Kumbakonam stands transferred to the Family Court, Cuddalore to be tried along with the Maintenance case in M.C.No.25 of 2023. The Additional Subordinate Judge, Kumbakonam is directed to transmit all the case papers to the Family Court, Cuddalore and the Family Court, Cuddalore is directed to issue notice to respondent and proceed with case as per manner known to law.



5. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

09.11.2023

skr

Index : Yes

Speaking order / Non speaking order

Neutral Citation : Yes / No



Tr.C.M.P.No.726



T.V.THAMILSELVI, J.

skr

To

- 1.The Judge,
Additional Subordinate Judge,
Kumbakonam.
- 2.The Judge,
The Family Court,
Cuddalore.

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