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Tr.C.M.P.No. 757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.757 of 2023

and

C.M.P.No.18359 of 2023

K.Nanthini Priya
D/o.Kalidas

... Petitioner

Versus

T.Thangaprasanth
S/o.Thangavel

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.70 of 2022 pending on the file of Subordinate Court, Tiruchengode, Namakkal District and transfer to the file of Subordinate Court, Palladam.

For Petitioner : Mr.K.Prabhakaran



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ORDER

This petition has been preferred to withdraw H.M.O.P.No.70 of 2022 pending on the file of the Subordinate Court, Tiruchengode, Namakkal District and transfer the same to the file of the Subordinate Court, Palladam.

2. Heard the learned counsel for the petitioner and perused the materials available on record.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 30.08.2020 at Sri Kuzhanthai Velayuthasamy Temple, Erayamangalam, Tiruchengode Taluk, Namakkal District in accordance with Hindu Rites and Customs. After few days, the petitioner came to know that the respondent is a habitual drinker and the respondent and his family members created problem for each and every trivial issues. Due to the cruelty caused by the respondent and his family members, the petitioner suffered miscarriage of pregnancy. Therefore, on 31.12.2021, the petitioner's mother gave a



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complaint against the respondent and his family members before All Women Police Station, Palladam. On 01.01.2022, the petitioner was not permitted to enter the matrimonial home since her mother has given a complaint against the respondent. Further the petitioner was threatened by the parents of the respondent and also assaulted by the respondent. Therefore, the petitioner has filed a case against the respondent and his family members under Domestic Violence Act vide DVA.No.20 of 2022 on the file of Judicial Magistrate, Palladam. While that being so, the respondent has filed a petition seeking for divorce vide H.M.O.P.No.70 of 2022 on the file of Subordinate Court, Tiruchengode, Namakkal District. Further the petitioner filed an application seeking for maintenance in M.C.No.5 of 2023 on the file of Judicial Magistrate, Palladam, Tiruppur District. At present, the petitioner is residing with her aged parents at Palladam and she is taking treatment for miscarriage of pregnancy. Hence, the petitioner herein, who is the wife has preferred the present petition to withdraw H.M.O.P.No.70 of 2022 pending on the file of Subordinate Court, Tiruchengode, Namakkal District and transfer the same to the Subordinate Court, Palladam.



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4. Considering the fact that since the petitioner is residing with her aged parents at Palladam and she is taking treatment for miscarriage, she is not able to travel to Tiruchengode, Namakkal District for attending Court hearings and hence, the petitioner seeks to transfer H.M.O.P.No.70 of 2022 pending on the file of Subordinate Court, Tiruchengode, Namakkal District to the Subordinate Court, Palladam. Hence, this Court finds that the reason assigned by the petitioner for transfer of H.M.O.P.No.70 of 2022 is justifiable and this Court is inclined to transfer the proceeding in H.M.O.P.No.70 of 2022 pending on the file of the Subordinate Court, Tiruchengode, Namakkal District to Subordinate Court, Palladam.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.70 of 2022 filed by the respondent/husband is ordered to be withdrawn from the file of the Subordinate Court, Tiruchengode, Namakkal District and transferred to the file of the Subordinate Court, Palladam. The learned Family Judge, Tiruchengode, Namakkal District is directed to transmit all the records pertaining to



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H.M.O.P.No.70 of 2022 to the file of the Subordinate Court, Palladam
within a period of two weeks from the date of receipt of a copy of this order.

However, the learned Sub-Judge, Palladam is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

1. The Sub-Judge,
Subordinate Court,
Tiruchengode, Namakkal District.
2. The Sub-Judge,
Sub-Court,
Palladam.

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T.V.THAMILSELVI, J.

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