



Tr.C.M.P.No. 960 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 960 of 2023

and

C.M.P.No.23217 of 2023

G.Vidhya

... Petitioner

Vs.

G.Parijatha Kannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the case in HMOP No.590 of 2022 on the file of the Hon'ble Family Court, Salem and transfer the same to the Family Court at Krishnagiri.

For Petitioner

: Mr.J.Prakasam



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.590 of 2022 pending on the file of Family Court, Salem to the file of Family Court, Krishnagiri to be tried along with M.C.No.04 of 2023.

2. The learned counsel for Petitioner would submit that out of wedlock with the respondent, both begotten two minor children and due to matrimonial dispute, now she is living with her parents house without any financial source, on the other hand, the respondent husband is working in the postal department and receiving a decent salary. He would also submit that he is not maintaining children as well as wife. Hence, she filed a maintenance case in M.C.No.04 of 2023 before the Family Court, Krishnagiri. Though he has appeared, but no maintenance was ordered as on date. He would further submit that to attend the case hearing before the Family Court, Salem, she is not able to travel 160 kms. from her place of residence.

3. Records perused. Admittedly, the petitioner is living with her two minor children on her parents house. However, even as per the averments



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made by respondent husband in H.M.O.P.No. 590 of 2022, elder child is suffered with some mental illness. Furthermore, on seeing the maintenance petition filed by the Revision Petitioner wife, it would prima facie reveals that as on date, respondent husband has not maintained wife and children. So, the reasons assigned by the petitioner wife to transfer the case is justifiable one. In the meanwhile, since the respondent is employed in the postal department and receiving a decent salary and also the petitioner is taking care of minor child, who has suffered with mental illness, he is directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) towards interim maintenance for the wife and children in the account of petitioner wife until it is modified by the court of law on the first week of every English calender month. If he failed to deposit the same, the trial judge is directed to proceed against the respondent husband as per manner known to law.

4. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Accordingly, the petition in H.M.O.P.No.590 of 2022 is withdrawn from the file of the Family Court, Salem and transferred to the file of Family Court, Krishnagiri, to be tried along with M.C.No.04 of 2023.



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The learned Family Court Judge, Salem is directed to transfer the case to the Family Court, Krishnagiri within a period of two weeks from the date of receipt of copy of this order. The learned Family Court, Salem is also directed to take case on file within period of one week from the date of receipt of papers and issue notice to the respondent as per manner known to law and thereafter, to dispose the case as early as possible. No costs. Consequently, connected civil miscellaneous petition is closed.

13.10.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To

1. Family Court Judge, Salem.
2. Family Court Judge, Krishnagiri.



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T.V.THAMILSELVI, J.

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