



Tr.C.M.P.No. 957 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. 957 of 2023

and

C.M.P.No.23185 of 2023

K.Gangavalli

... Petitioner

Vs.

P.Dhinakaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the case in HMOP No.48 of 2023 pending before the Hon'ble Sub-Court, Srivilliputtur and transfer the same to the Hon'ble Subordinate Court at Alandur.

For Petitioner : Ms.L.Margaret

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.48 of 2023 pending on the file of Sub-Court, Srivilliputtur to the file of Sub-Court, Alandur to be tried along with M.C.No.26 of 2018.

2. The learned counsel for Petitioner would submit that already she



Tr.C.M.P.No. 957 of 2023

filed a maintenance case in M.C.No. 26 of 2018 before the Addl. Mahila Court, Alandur and the same is pending from the year of 2018. But, as on date, no maintenance was given by the respondent husband. She would submit that now she is living with her son, aged about 13 years old. She would also submit that the respondent husband is working in a private concern, but till date, he has not paid any maintenance and now a divorce case was filed by the respondent husband and the same is pending before the Sub-Court, Srivilliputtur. She would further submit that she is not able to travel nearly 300 kms. from her place of residence to attend the case hearing before the Sub-Court, Srivilliputtur. Hence, she filed the present petition praying to transfer the same.

3. Records perused. As discussed above, she is living with her son and she is taking care of minor son successfully though maintenance was not paid and all these years, the respondent is dragging on the proceedings without paying maintenance to her and his son as rightly pointed out by the Petitioner. So, the reasons assigned by the petitioner to transfer the case is justifiable one. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.48 of 2023 is withdrawn from the



Tr.C.M.P.No. 957 of 2023

file of the Sub-Court, Srivilliputtur and transferred to the file of Sub-Court (Addl. Mahila Court), Alandur, to be tried along with M.C.No.26 of 2018.

The learned Sub-Judge, Srivilliputtur is directed to transfer the case to the Sub-Court, (Addl. Mahila Court), Alandur within a period of two weeks from the date of receipt of copy of this order. The learned Sub-Court (Addl. Mahila Court), Alandur 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. Sub-Judge, Srivilliputtur.
2. Sub-Judge (Addl. Mahila Court), Alandur.



WEB COPY



Tr.C.M.P.No. 957 of 2023

T.V.THAMILSELVI, J.

rpp

Tr.C.M.P.No. 957 of 2023

13.10.2023