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Tr.C.M.P.No. 923 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

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

Tr.C.M.P.No. 923 of 2023

and

C.M.P.No. 22058 of 2023

Thaiyalnayagi @ Bhuvaneswar,
W/o. T.Prabakaran

... Petitioner

Vs.

U. Prabakaran,
S/o. Thiyagarajan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw and transfer the H.M.O.P.No. 104 of 2023 on the file of the Family Court, Pudukottai to the Family Court at Cuddalore, to be tried along with M.C.No.35 of 2023 on the file of the Family Court at Cuddalore.

For Petitioner

: Mr.N.Suresh



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.104 of 2023 pending on the file of Family Court, Pudukottai to Family Court, Cuddalore to be tried along with M.C.No.35 of 2023 filed by her before the Family Court at Cuddalore. The petitioner wife seeks transfer of the proceedings before the Sub Court, Cuddalore on the ground that she is living with two children at Cuddalore and she is not able to attend the court hearings by travelling 250 kms.

2. Admittedly, the respondent/husband is now at U.S.A. and he proceeded the case through his parents, but the petitioner wife is living with two small children without any source of income. The document relied on the petitioner in the maintenance claim also proved that children were studying at Maharishe Vidhya Mandir, Puducherry, however, before that, they were at U.S.A.



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3. The reasons assigned by the petitioner wife is justifiable one and the fact that without any source of income, she is living with her two little children at Cuddalore. Admittedly, the respondent husband is living at U.S.A., but as per the records, he has not given any maintenance to children. So, she filed a maintenance case claiming for maintenance and the same is pending. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.104 of 2023 is withdrawn from the file of the Family Court, Pudukottai and transferred to the file of Family Court, Cuddalore, to be tried along with M.C.No.35 of 2023 within a period of two weeks from the date of receipt of copy of this order. The learned Family Court, Cuddalore is 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 within a period of six months. However, during the pendency of proceedings, the respondent husband is directed to deposit a sum of Rs.35,000/- (Rupees thirty five thousand only) per month towards interim maintenance to wife and children in the account of the petitioner within one



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week of every calender English month until it is modified by the court of law without fail. If he failed to deposit the same, the trial judge is directed to proceed against the respondent husband as per manner known to law. No costs. Consequently, connected civil miscellaneous petition is closed.

03.10.2023

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

To

Family Court,
Pudukottai.



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T.V.THAMILSELVI, J.

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