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Tr.C.M.P.No.937 of 2023
and CMP.No.22624 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

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

Tr.C.M.P.No.937 of 2023

and

CMP.No.22624 of 2023

Vasanthi
D/o.Ganesan

... Petitioner

Vs.

Srinivasan
S/o.Perumal

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 74 of 2023 pending on the file of the Subordinate Judge, Gingee and transfer the same to the Subordinate Judge, Alandur.



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For Petitioner : Mr. P.Surendran

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.74 of 2023 pending on the file of the Subordinate Court, Gingee to the Subordinate Court, Alandur. The petitioner /wife seeks transfer of the proceedings before the Subordinate Court, Alandur on the ground that she is residing at Perungudi with one female child, and she is not able to attend the court hearings by travelling 156 kms from Chennai.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 10.03.2003 as per the Hindu Rites and Customs and marriage held at Respondent's home in Neganur, Gingee. Out of the wedlock, one female child was born to them. Due to misunderstanding they were living separately from 2010 onwards. The petitioner live alone with her child at Perungudi. He further submitted that the respondent had filed a petition for divorce under Section 13(2) of



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Hindu Marriage Act, and the same is pending in HMOP.No.74 of 2023 on the file of the Subordinate Judge, Gingee. The petitioner alone is looking after the welfare of the said child. On each and every hearings she has to travel approximately 156 kms from Chennai. He further submitted that the petitioner has already filed M.C.No.15 of 2014 before the learned Judicial Magistrate, Alandur. The learned Judge passed an order of maintenance on 03.11.2014 imposed monthly maintenance for a sum of Rs.5,000 for the petitioner and Rs.3,000/- for his child, totally Rs.8,000/- per month. But till date the respondent has not paid any amount to them. Hence, she prays to transfer the HMOP.No.74 of 2023, to the Subordinate Judge, Alandur.

3. Considering the facts and circumstances, that the petitioner has no source of income, she is living with her unmarried daughter and the respondent also not co-operation for the MC proceedings. The reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.74 of 2023 to the Subordinate Judge, Alandur.



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4. In view of the above, H.M.O.P.No.74 of 2023 is withdrawn from the file of the Subordinate Judge, Gingee and transferred to the file of Subordinate Judge, Alandur to be disposed of the case in accordance with law and the learned Subordinate Judge, Gingee is directed to send the entire records to the learned Subordinate Judge, Alandur, within a period of one week from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

04.10.2023

Index : Yes / No
Neutral Citation: Yes / No
Speaking/Non-speaking order

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To

1. The Subordinate Judge, Gingee.
2. The Subordinate Judge, Alandur.

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T.V.THAMILSELVI, J.

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