



Tr.C.M.P.No. 987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

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

Tr.C.M.P.No. 987 of 2023

and

C.M.P.No. 23699 of 2023

S.Gayathri,
W/o. S.Rathish

... Petitioner

Vs.

S.Rathish,
S/o. V.Sathiyathan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw HMOP.No. 2122 of 2021 pending on the file of the Sub-Court at Alandur and transfer the same to the file of the Family Court, Vellore.

For Petitioner : Mr.S.Santhan

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.2122 of 2021 pending on the file of Sub-Court, Alandur to the Family Court, Vellore to be tried along with D.V.C.No.12 of 2022 filed by her before the Judicial



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Magistrate (Addl. Mahila Court), Vellore.

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2. The petitioner wife seeks transfer of the proceedings before the Family Court, Vellore on the ground that she is living with her 4 year age-old minor child, who was suffered with autism and to that effect, the medical record was produced by her and the same was perused. She has already initiated D.V.C. proceedings before the Judicial Magistrate, (Addl. Mahila Court), Vellore and the same is pending. In that case, the respondent husband also appeared and now the case is posted for evidence. Furthermore, the respondent husband filed a petition for restitution of conjugal rights and petitioner has filed a petition for dissolution of marriage before the Addl. Mahila Court, Vellore. As she is living with her parent along with child, who was suffered with autisom, she is unable to travel for nearly 150 kms. away to attend every hearing of the case. Since because the respondent husband appeared before the learned Judicial Magistrate (Addl. Mahila Court), Vellore, no prejudice would be caused to him. Hence, she prayed to allow the present Tr.C.M.P.

3. The reasons assigned by the petitioner wife is justifiable one and



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the fact that without any source of income, she is living with her parents along with minor child, who was suffered with autism. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.2122 of 2021 is withdrawn from the file of the Sub-Court, Alandur and transferred to the file of Family Court, Vellore, to be tried along with D.V.C.No.12 of 2022. The learned Sub-Judge, Alandur is directed to send the papers to Family Court, Vellore within a period of two weeks from the date of receipt of copy of this order. The learned Family Court Judge, Vellore 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.

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

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1. Sub-Judge,
Sub-Court, Alandur.
2. Family Court Judge,
Vellore.



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T.V.THAMILSELVI, J.

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