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Tr. CMP. No.1032 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.1032 of 2023
and C.M.P.No.25024 of 2023

R.Revathi Petitioner

-Vs-

V.Rajendiran Respondent

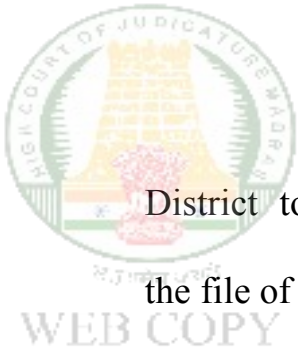
Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 R/w Section 151 of Code of Civil Procedure., to withdraw the H.M.O.P.No.30 of 2023 on the file of the Subordinate Court of Thittakudi, Cuddalore District and transfer the same to the Subordinate Court of Aathur, Salem District to be heard and tried along with H.M.O.P.No. 164 of 2023, pending on the file of Subordinate Court of Aathur, Salem District.

For Petitioner : Mr.Ariyalur Annasamy Venkatesan

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to to withdraw the H.M.O.P.No.30 of 2023 on the file of the Subordinate Court of Thittakudi, Cuddalore District and transfer the same to the Subordinate Court, Aathur, Salem

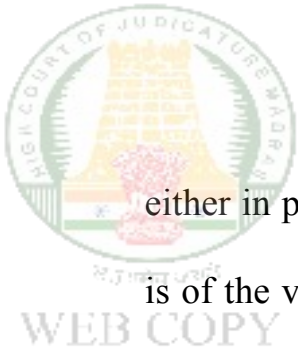


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District to be heard and tried along with H.M.O.P.No. 164 of 2023, pending on the file of Subordinate Court, Aathur, Salem District.

2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent on 16.06.2016 and the petitioner has been tortured by the respondent and his family members, as a result, the petitioner left out from the matrimonial home. Thereafter, the child was born. Further, the respondent filed a petition for Restitution of Conjugal Rights in H.M.O.P.No.30 of 2023 before the Subordinate Court, Thittakudi. Thereafter, the petitioner filed a petition for divorce in H.M.O.P.No.164 of 2023 before the Subordinate Court, Aathur, Salem District and also filed a Maintenance case in M.C.No.32 of 2023 before the Judicial Magistrate Court No.II, Aathur. All the cases were pending. He further submitted that the petitioner has is living with her aged parents without source of income and it is very difficult for the petitioner to attend the court hearings at Thittakudi, along with female child. Hence, he prays to allow this petition.

3. The Court records show that the notice issued by this Court was served on the respondent. Hence, as the respondent in not coming before this Court



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either in person or through a counsel, in spite of the service of notice, this Court is of the view that the respondent has no objection for allowing the Tr.C.M.P. in favour of the petitioner.

4. Considering the facts and circumstances of the case and also the fact that the petitioner is living with her aged parents without any source of income. Therefore, the reasons stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the HMOP.No.30 of 2023 pending on the file of the Subordinate Court, Thittkudi, Cuddalore District, is withdrawn and transferred to the file of the Subordinate Court, Aathur, Salem District, to try along with HMOP.NO.164 of 2023. Consequently, connected miscellaneous petition is closed. No costs.

5. The trial Judge, Subordinate Court, Aathur, is directed to issue notice to the respondent/husband, within a period of two weeks from the date of receipt of a copy of this order and proceed with case as per manner known to law.

19.12.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI, J.

msrm

To

1.The Subordinate Court, Thittakudi, Cuddalore District.

2.The Subordinate Court, Aathur, Salem District.

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and C.M.P.No.25024 of 2023

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