



WEB COPY

Tr CMP (MD) No. 89 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.89 of 2023

and

C.M.P.(MD) No.2188 of 2023

T.Geethanjali

... Petitioner/Respondent

-vs-

A.Kumar

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.796 of 2022 on the file of the Subordinate Court, Alandur and transfer the same to the Subordinate Court, Sivagangai.

For Petitioner : Mr.A.Aruljenifer

For Respondent : Mr.S.Bharathy Kannan

ORDER

The present Transfer Civil Miscellaneous Petition is filed to transfer the case in H.M.O.P.No.796 of 2022 pending on the file of Subordinate Court, Alandur, to the file of Subordinate Court, Sivagangai.



Tr CMP (MD) No. 89 of 2023

WEB COPY

2.The present petition was opposed by the learned counsel for the respondent on the ground that the respondent is taking care of two minor children by himself along with his parents. According to the respondent, the petitioner deserted the family on 09.04.2022 and therefore, he was constrained to file divorce petition in H.M.O.P.796 of 2022 before the Subordinate Court, Alandur.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Sivagangai, with her old age parents. The distance between Sivagangai and Alandur is nearly 500 kms. The petitioner is having old age parents and having no financial support and it is not possible for the petitioner to engage a Lawyer to attend the Court for hearing. In this circumstance, it is difficult for the petitioner to travel from Sivagangai to Alandur for attending the Court proceedings in H.M.O.P.796 of 2022. Hence, he prays to transfer the case to Subordinate Court, Sivagangai.

4.The Court records indicates that the petitioner has lived with the respondent for almost 10 years at Chennai and deserted the respondent leaving two minor children born in 2012 and 2016 to the respondent. The only contention



Tr CMP (MD) No. 89 of 2023

WEB COPY

raised by the learned counsel for the petitioner is that the petitioner may not have means to travel to Chennai to meet the aforesaid proceedings before the Sub Court, Alandur.

5.This Court is not inclined to entertain this petition for transfer. However, this Court directs the respondent to pay a sum of Rs.5,000/- every month to the petitioner till the disposal of H.M.O.P.No.796 of 2022 enabling the petitioner to appear before the Sub Court, Alandur and further sum of Rs.20,000/- to the petitioner initially to meet legal expenses in connection with the above case.

6.With the above directions, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

dss



WEB COPY



Tr CMP (MD) No. 89 of 2023

C.SARAVANAN, J.

dss

To:

1. The Subordinate Court, Alandur.
2. The Subordinate Court, Sivagangai.

Order made in
Tr.C.M.P.(MD) No.89 of 2023
and
C.M.P.(MD) No.2188 of 2023

Dated:

30.03.2023