



TR.C.M.P.(MD) No.240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

TR.C.M.P.(MD) No.240 of 2023

and

C.M.P.(MD) No.5281 of 2023

K.Suhashini

... Petitioner

Vs.

P.Kasiraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw H.M.O.P.No.92 of 2023 on the file of the Family Court, Thootukudi and transfer the same to the Family Court, Theni.

For Petitioner : Mr.V.N.Arjun
for Mr.N.Vallinayagam

For Respondent : No appearance

ORDER

Notice being served on the sole respondent and name being printed in the cause list, there is no representation on behalf of the respondent.



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WEB COPY 2. This Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.92 of 2023 from the Family Court, Thootukudi to the Family Court, Theni.

3. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

4. Though on intervention of elders myself and respondent started separate living the attitude of respondent has not changed. Apart from that I came to know that the respondent has no proper job and started to consume liquor and other intoxicated substances. At the same time the respondent and his parents ill-treated me and drove away from matrimonial home in July 2018 even without considering my pregnancy the respondent is keeping my jewels and household articles with him the respondent has neither ready to bring me to matrimonial home nor ready to spare maintenance. So without any alternative I have filed D.W.O.P.21/2022 on the file of the Judicial Magistrate Court Periyakulam against the respondent and his family for protection against cruelty and for claiming maintenance for myself and my child, in which the respondent and the family members have appeared on 08/02/2023 through their counsel Mr.Rajenderan and the same is pending.

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7. To attend the hearings at Thootukudi either I have to start from Periyakulam very early morning or I have to go to Thootukudi a day earlier, both of which are not advisable I being a young lady with child.

8. Further I respectfully submit that my child is sick and allergic to bus travel. I am depending upon my parents even for my bread and care of my only son. Apart from that I have nobody to assist me to come over for Thootukudi. My child is only 4 years old. I cannot leave him with my mother who is going for small jobs. My mother cannot accompany me to attend hearings as she has to be in home town to look after day today affairs.

In such situation if the proceedings of H.M.O.P.No.92 of 2023 is conducted at Family Court at Thootukudi, I cannot effectively defend and establish my rights. On the other hand it will not be inconvenient to the respondent to attend the Family Court, Theni. Apart from that he doesn't need any help or assistance from anybody. The respondent is financially sound and can meet travelling expenses.

4. Being satisfied with the above reasons, I am inclined to allow this Transfer Civil Miscellaneous Petition. Therefore, H.M.O.P.No.92 of 2023 is directed to be transferred from the Family Court, Thootukudi to the Family Court, Theni.



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C.SARAVANAN, J.

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5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No cost. Consequently, connected Miscellaneous Petition is closed.

15.06.2023

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

- 1.The Family Court, Thootukudi
- 2.The Family Court, Theni.

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