



Tr.C.M.P.(MD) No.494 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.494 of 2022

and

C.M.P(MD)No.7870 of 2022

K.R.Latha

... Petitioner/Respondent

-VS-

Sekar @ Ramasamy

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the case in H.M.O.P.No.80 of 2019 on the file of the Subordinate Judge, Sankargiri, Salem District and transfer the same to the Family Court, Karur.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondent : Mr.P.Pandiarajan



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ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.80 of 2019 on the file of the Subordinate Judge, Sankargiri, Salem District and transfer the same to the Family Court, Karur.

2.The petitioner is the respondent before the Family Court, Karur, in H.M.O.P.No.80 of 2019 filed by the respondent to dissolve the marriage solemnized between the petitioner and the respondent. The petitioner herein had also filed M.C.No.36 of 2014 before the Chief Judicial Magistrate, Karur, which came to be ordered on 15.02.2017 by directing the respondent to pay a sum of Rs.3,000/- to the petitioner and a sum of Rs.2,000/- to the petitioner's daughter as maintenance. Therefore, the respondent has filed Criminal Revision Case in CrI.R.C.No.19 of 2017, before the learned Additional Sessions Judge, Karur, whereby the order, dated 15.02.2017, passed by the Chief Judicial Magistrate, Karur, in M.C.No.36 of 2014, was modified by directing the respondent to pay a sum of Rs.3,000/- to the petitioner's daughter and no amount was ordered in respect of the petitioner.



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3.In this petition, the petitioner has stated that she is unable to bear the expenses to defend her case in H.M.O.P.No.80 of 2019 by engaging the counsel in Sub-Court, Sankagiri, Karur District. It is further submitted that to conduct the case, the petitioner has to travel along with her minor child, who is school going student, she is unable to meet the expenses as she has no other means to support her. It is further submitted that the respondent has also not taking any steps for paying the amount, which was ordered by this Court, by modifying the order of the Chief Judicial Magistrate in M.C.No.36 of 2021.

4.The learned counsel for the respondent submitted that the application was opposed by the respondent that there is no truthful averments in the affidavit filed by the petitioner in support of the present Tr.C.M.P.

5.The petitioner is aged about 46 years old, whereas the respondent is aged about 57 years. The marriage between the petitioner and the respondent was solemnized on 24.10.2007 and a child was born, on 27.05.2008. The parties have filed several cases against each other. The petitioner had filed H.M.O.P.No.12 of 2001 before the Sub-Court, Karur to dissolve her first marriage with one Kannan



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of Velayuthampalayam, Karur. Thereafter, she married the respondent herein. Similarly, the respondent had also married earlier and he had filed an application for dissolving the earlier marriage. After dissolving the marriage, they have started living together and out of which, a child was also born to them.

6.The reasons stated in the affidavit filed in support of the transfer of the case appears to be reasonable. Considering the above, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.80 of 2019 pending on the file of the Subordinate Judge, Sankargiri, Salem District, is withdrawn and transferred the same to the Family Court, Karur.

7.Considering the above fact, the Family Court, Karur, shall endeavour to complete and bring closure to the dispute of H.M.O.P.No.80 of 2019 as expeditiously as possible, preferably within a period of twelve(12) months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023



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To:

- 1.The the Subordinate Judge,
Sankargiri,
Salem District.
2. The Family Court,
Karur.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD) No.494 of 2022
and
C.M.P(MD)No.7870 of 2022

Dated:
20.03.2023