



Tr.CMP.No.21 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.21 of 2024

and

C.M.P.No.704 of 2024

M.Durgalakshmi

... Petitioner

Vs.

P.Anil Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.93 of 2023 from the file of the Subordinate Court, Katpadi and transfer the same to the Family Court, Tiruvannamalai.

For Petitioner : Mr.N.K.Ponraj

For Respondent : No appearance



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ORDER

The petitioner, respondent in H.M.O.P.No.93 of 2023 on the file of the Subordinate Court, Katpadi filed this petition seeking transfer of the case from the file of the Subordinate Court, Katpadi to the file of the Family Court, Tiruvannamalai.

2.Despite service of notice and name printed in the cause list, no representation for the respondent either in person or by any counsel.

3.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent took place on 13.08.2021. At the time of marriage, the respondent was running a Pawn Broker Shop in Vellore District. The petitioner's parents presented gold jewels and other sridhana articles and the entire marriage expenses were borne by the petitioner's parents. After the marriage, there was some matrimonial discord, the petitioner was forced to stay in the guest room located in the second floor of the house for the reason that she is not from



the rich family and she cannot mingle with the other members of the family.

In October 2021, the petitioner became pregnant and she was unable to climb up to second floor, hence she requested for a room in the ground floor which was refused and the petitioner was also beaten. Due to the mental agony and physical torture, the pregnancy got aborted in May 2022. The petitioner conceived for the second time and again she was subjected to cruelty. Later, unable to bear any further the petitioner informed her parents and when her parents questioned the same, at that time they were also threatened and forced out. The petitioner was constantly ill-treated and out of their wedlock, a male child was born on 01.01.2023. The respondent never visited the child and enquired about the well being of the petitioner and the child. Suppressing the above facts, the respondent file H.M.O.P.No.93 of 2023 before the Subordinate Court, Katpadi. The petitioner is now residing with her parents Pudupalayam, Tiruvannammali and her parents were taking care of the petitioner and the child. Hence, he prays for transfer of case.

4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at



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Tiruvannamalai along with her parents. The petitioner has no income of her own and she has to necessarily travel around 200 kms to and fro to attend the hearing before the Subordinate Court, Katpadi. In view of the same, this Court withdraws H.M.O.P.No.93 of 2023 from the file of the Subordinate Court, Katpadi and transfer the same to the file of the Family Court, Tiruvannamalai.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.07.2024

cse

To

- 1.The Subordinate Court,
Katpadi.
- 2.The Family Court,
Tiruvannamalai.



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M.NIRMAL KUMAR, J.

cse

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