



WEB COPY



TR.CMP.No.107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

TR.CMP.No.107 of 2023
and CMP.No.2226 of 2023

Hema

... Petitioner

Vs

Thenthamilan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.147 of 2021 from the file of Family Court, Mannargudi and transfer the same to the Principal Subordinate Court, Mayiladuthurai.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : No Appearance (Served)

ORDER

The petitioner-wife has presented this petition to withdraw the petition filed by the respondent-husband in H.M.O.P.No.147/2021 before the Family



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Court, Mannargudi and to transfer it to Principal Subordinate Court, Mayiladuthurai.

2. The petitioner and the respondent got married on 01.12.2016. From the wedlock, a boy child was born on 23.09.2017. The petitioner-wife states that after her child's birth, the respondent-husband started behaving in a cruel manner and shut her out of the matrimonial home. Therefore, she filed a petition for restitution of conjugal rights before the Principal Subordinate Court, Mayiladuthurai and the same came to be allowed. Thereafter, the husband had initiated H.M.O.P.No.147 of 2021 before the Family Court, Mannargudi seeking divorce.

3. Being a permanent resident of Mayiladuthurai, the petitioner-wife states that she is not able to travel to Mannargudi for the purpose of attending every hearing. Hence, she seeks transfer of HMOP proceedings now pending before Family Court, Mannargudi to Mayiladuthurai.

4. The respondent is shown to be the permanent resident of Coimbatore. Though it appears that the respondent-husband had received



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notice in this transfer petition, he has not entered appearance either in person or through counsel.

5. Taking into consideration that the petitioner-wife is attending to a toddler and also the fact that the petitioner had already initiated proceedings at Principal Subordinate Court, Mayiladuthurai, I am inclined to allow this transfer petition. Accordingly, the H.M.O.P.No.147/2021 is withdrawn from the file of Family Court, Mannargudi and is transferred to Principal Subordinate Court, Mayiladuthurai.

6. With the above directions, this transfer petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2024

Index: Yes/No
Neutral Citation : Yes / No
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V.LAKSHMINARAYANAN,J.

ds

To:

- 1.The Principal Sub Court
Tiruchirapalli.
- 2.The Family Court
Coimbatore.
- 3.The Section Officer
VR Section, High Court, Madras.

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