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TR.C.M.P.No.113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

TR.C.M.P.No.113 of 2024

and

C.M.P.No.2516 of 2024

R.Sathya

... Petitioner

Vs.

P.Kaliappan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw and transfer H.M.O.P.No.13 of 2022 which is pending on the file of Subordinate Court at Tiruchengode, Namakkal District to the file of Subordinate Court, Poonamallee, Thiruvallur District.

For Petitioner : Mr.P.Saravanan

For Respondent : No appearance

ORDER

The petitioner, who is the respondent in H.M.O.P.No.13 of 2022, has filed this petition seeking transfer of H.M.O.P.No.13 of 2022 from the file of Subordinate Court, Tiruchengode, Namakkal District to the file of Subordinate Court, Poonamallee, Thiruvallur District.



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2. Notice sent to the respondent has been served on 06.06.2024 and his name is also printed in the cause-list. Despite the same, there is no representation for the respondent either in person or through his counsel.

3. The contention of the learned counsel for petitioner is that the marriage between the petitioner and respondent took place on 02.07.2014 at Pappireddypatti, Dharmapuri District. But they had no issues. The petitioner is working as Assistant Professor at Rajalakshmi Engineering College, Chennai with meagre salary. The respondent is working as Professor and earning more than Rs.75,000/- per month. The petitioner was paying rent, electricity bill and took care of family expenses, but the respondent did not pay any attention to lead family life and he did not perform the duties of husband. He further submitted that the respondent deserted the petitioner for the reason to live with his parents. After deserted by the respondent from matrimonial home, the petitioner is struggling for day-to-day life. The H.M.O.P. was filed just to cause harassment to the petitioner. Further, the petitioner has to travel about 750 kms.



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up and down from Thiruvallur to Namakkal District to attend the Court at Thiruchengode. In view of the same, this Court is inclined to withdraw and transfer the case in H.M.O.P.No.13 of 2022 to the Subordinate Court, Poonamallee.

4.Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.13 of 2022, pending on the file of Subordinate Court, Tiruchengode, Namakkal District shall stand withdrawn and transferred to the file of Subordinate Court, Poonamallee, Thiruvallur District. No costs. Consequently, connected miscellaneous petition is closed.

30.07.2024

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

rsi



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M.NIRMAL KUMAR, J.

rsi

To

1.The Subordinate Judge,
Tiruchengode, Namakkal District.

2.The Subordinate Judge,
Poonamallee, Thiruvallur District.

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and

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