



Tr Cmp.No.138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.138 of 2023

and

CMP.No.2963 of 2023

K.Selvamani

...
/vs/

Petitioner

S.Murugesan@ S.Ezhil Arasan ...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the petition in HMOP No.297 of 2021 on the file of the Principal Sub Judge, Ponneri and transfer the same to the Family Courts, District Court Complex, Salem.

For Petitioner

...

Mr.Nanchill J.Rajkumar

For Respondent

...

Mr.N.Prasath

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the petition in HMOP No.297 of 2021 on the file of the Principal Sub Judge, Ponneri and transfer the same to the Family Court, District Court Complex, Salem.



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2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. The respondent has filed a petition in HMOP No.297 of 2021 for divorce against the wife on the ground of cruelty. The petitioner is now residing at No.40/18-41/19, Narayan Nagar, 5th Cross, Kichipalayam, Salem – 636 015 along with her parents and her 9 year old son and she being a housewife, she is not having sufficient income to travel and attend the Ponneri Sub Court and she finds it very difficult to attend each and every hearing of the case before the Sub Court, Ponneri. Therefore, seeking to transfer the HMOP No.297 of 2021 to the Family Court at Salem.

3.The learned counsel appearing for the respondent/husband objected the contention of the petitioner's counsel on the ground that the respondent/husband is residing at Kolathur, Thiruvallur District and he is working at Chennai and he is unable to travel from Chennai to Salem for attending the case.



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4.I have considered the matter in the light of the submission made by the learned counsel on either side and perused the materials available on record.

5.On perusal of the records, it is seen that the petitioner is wife and the respondent is husband. The respondent has filed HMOP No.297 of 2021 for divorce against the petitioner on the ground of cruelty. The petitioner is now residing at No.40/18-41/19, Narayan Nagar, 5th Cross, Kichipalayam, Salem – 636 015 along with her aged parents and 9 year old son. It is not disputed that the petitioner is the house wife and she is not having sufficient income and she finds it very difficult to attend each and every hearing of the case before the Sub Court, Ponneri.

6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.297 of 2021 from the file of the Sub Court, Ponneri to the Family Court, District Court Complex, Salem.



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7. In view of the above, H.M.O.P.No.297 of 2021 is hereby directed to be withdrawn from the file of the Sub Court, Ponneri and transferred to the file of Family Court, District Court Complex, Salem. The Sub Court, Ponneri, is directed to send the entire records to the Family Court, District Court Complex, Salem, within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Family Judge, Salem is directed to dispose of the case as early as possible.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

10.01.2024

To
1.The Principal Sub Judge, Ponneri.
2.The Family Courts, District Court Complex, Salem.

V.SIVAGNANAM ,J.



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