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Tr.C.M.P.No.163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.163 of 2023
and C.M.P.No.3619 of 2023

Sivasangari

... Petitioner

VS

Sivamagarajan

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.151 of 2019 on the file of Sub Court, Gobichettipalayam and transfer to Sub Court, Tiruchendur, Thoothukudi District.

For Petitioner : Mr.S.Ravikumar

For Respondent : No Appearance

ORDER

The petitioner is the wife. She married the respondent on 08.09.2013.

From the wedlock, a female child was born on 18.06.2014 and a male child on 21.06.2016. The petitioner is the permanent resident of Karungadal in Thoothukudi District. The respondent-husband is residing in Gobichettipalayam, Erode District.

2. Due to dispute and differences, the husband and wife have separated



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and the husband had initiated H.M.O.P.No.151 of 2019 on the file of the Sub Court at Gopichettipalayam.

3. The petitioner pleads that she is taking care of the children and with great difficulty, she is meeting her financial needs and that of the children. Hence, she seeks transfer of the proceedings from the file of the Sub Court, Gobichettipalayam to the file of the Sub Court, Tiruchendur at Thoothukudi District.

4. Notice was ordered in this petition and it was returned stating that the respondent had left. Thereafter, steps were again taken and still the respondent could not be served. Therefore, publication was ordered on 11.06.2024 for one issue in Makkal Kural circulated in Erode District. The publication was effected and still there is no appearance for the respondent. Treating this as sufficient service, I proceeded to hear the transfer petition.

5. The undisputed facts are the petitioner is residing in Karungadal,



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Thoothukudi District and case is being conducted in Erode District. She finds it extremely difficult to travel from Karungadal to Gobichettipalayam to contest the proceedings. She pleads that she has got two children and has to take care them also.

6. Taking into consideration the interest of the wife, the transfer petition is accepted, the proceedings in H.M.O.P.No.151 of 2019 pending on the file of the Sub Court, Gobichettipalayam is withdrawn and transferred to the file of the Sub Court, Tiruchendur at Thoothukudi District.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

02.08.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

- 1.The Sub Court,
Gobichettipalayam.
- 2.The Sub Court, Tiruchendur,
Thoothukudi District.



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V.LAKSHMINARAYANAN, J.

dm

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