



WEB COPY



Tr.CMP.No.196 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.196 of 2023
and
C.M.P.Nos.4381 and 17733 of 2023

Muthukani

.. Petitioner

Vs.

G.Thangaraj

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.150 of 2022 from the file of the Sub Court at Thiruchendur and transfer the same to the file of the IV Additional Family Court at Chennai to be tried along with M.C.No.522 of 2022.

For Petitioner : Mr.J.Kalvi

For Respondent : Served, No Appearance

ORDER

This transfer petition has been filed seeking transfer of proceedings in H.M.O.P.No.150 of 2022 which is now pending on the file of the Sub Court at Thiruchendur.

2. The petitioner before me is the wife. The marriage between the



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wife and the respondent/husband took place on 15.11.2012 at Thoothukudi.

Subsequently, from the wedlock, a girl child was born on 17.11.2013. Due to circumstances which is not termine for this transfer petition, the parties were separated.

3. The girl child has suffered an accident and she has lost her left eye sight. The husband has initiated a proceeding in H.M.O.P.No.150 of 2022 as a counterblast to the maintenance petition filed by the wife in M.C.No.522 of 2022 before the IV Additional Family Court at Chennai.

4. Notice was ordered by this Court and the respondent was served on 21.06.2023. But there is no appearance on behalf of the respondent.

5. Taking into consideration that there is a girl child who has lost her eye sight and also the fact that an application in H.M.O.P. was initiated after the M.C. proceedings were initiated by the wife, I am inclined to allow this transfer petition.

6. Hence, the proceedings in H.M.O.P.No.150 of 2022 which is now pending on the file of the learned Subordinate Judge at Thiruchendur is



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withdrawn and it shall stand transferred to the file of the learned IV Additional Family Court at Chennai.

7. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. It is made clear that the husband need not appear for every hearing. His presence may be insisted only for essential hearings. For all other hearings, he may be permitted to appear through a counsel. The connected Civil Miscellaneous Petitions are closed.

15.04.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Sub Court,
Thiruchendur

2.The IV Additional Family Court,
Chennai

V. LAKSHMINARAYANAN, J.



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