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Tr.C.M.P.No.224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.224 of 2023

and

C.M.P.No.4975 of 2023

Saranya

... Petitioner

Vs

1.Illayaraja

2.Sudhakar

... Respondents

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw H.M.O.P.No.38 of 2023 on the file of the Family Court, Theni and to transfer the same to the Subordinate Court, Dharapuram.

For Petitioner : Mr.P.Kalimuthu

For 1st Respondent : Served - No appearance

For 2nd Respondent : Notice returned- No such person

ORDER

The petitioner seeks for transfer of O.P.No.38 of 2022 on the file of the Family Court at Theni to the file of the Subordinate Judge at Dharapuram.



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2. The petitioner is the wife. She got married to the 1st respondent on 02.11.2008 at Theni. The parties set at their matrimonial home at there. From the wedlock, a male child was born on 01.08.2009 and a female child was born on 06.01.2013. Due to the differences between the parties, they have separated and as the husband did not maintain the wife or the son, she was constrained to file M.C.No.22 of 2022 on the file of the Judicial Magistrate Court at Dharapuram.

3. After having received the summons in the said proceedings, the husband has initiated H.M.O.P.No.38 of 2023 seeking for divorce on several grounds.

4. The petitioner is residing with her minor son within the limits of the Court at Dharapuram and would find it difficult to travel to the Family Court, Theni for every hearing.

5. The respondents served with notice, though did not enter appearance on this application.



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6. Considering the overall circumstances as the petitioner has a child to take care of and since she was the first person who triggered the Court by initiating Maintenance Petition under Section 125, I am inclined to transfer H.M.O.P.No.38 of 2023 from the file of the Family Court at Theni to the file of the Subordinate Judge at Dharapuram.

7. In fine, the Tr.C.M.P. stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Family Court, Theni.

2.The Subordinate Court,
Dharapuram.



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V. LAKSHMINARAYANAN, J.

Sgl

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