



Tr.C.M.P.No.497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.497 of 2024 and
C.M.P.No.10194 of 2024

R.Subathra

... Petitioner

Vs.

A.D.Kamalakannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case of HMOP.No.112 of 2023 pending on the file of the Sub-Court Paramatby at Namakkal and transfer the same to the Family Court at Tiruppur to be tried along with M.C.No.3 of 2023.

For Petitioner : Mr.M.Rakhi

For Respondent : No Appearance



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ORDER

The petitioner filed this transfer petition seeking transfer of HMOP.No.112 of 2023 filed by her estranged husband/respondent from the file of the Subordinate Court, Paramathy to the file of the Family Court at Thirupur.

2.Notice ordered to the respondent on 21.06.2024 and the learned counsel for the petitioner had also taken private notice. Both the Court notice and private notice returned as 'Unclaimed'.

3.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 15.11.2023 at the respondent's house at Melapalapatty village, Singapalli and they were blessed with twin children named Vibinesh Kamal and Vishwesh Kamal born on 25.06.2014. Prior to the birth of the children, the respondent started to ill-treat the petitioner at the instigation of his sister. Thereafter, the petitioner had gone to her mother's house for delivery. Since 2016, the petitioner and the respondent are living separately. On 06.02.2020, the



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respondent had gone to the petitioner's home in a drunken state and beaten the petitioner. Now the petitioner and the two children are living at the mercy of the petitioner's mother with little savings amount. Unable to maintain the children, the petitioner filed maintenance case in M.C.No.3 of 2023 before the Family Court at Tiruppur against the respondent. On coming to know about the same, the respondent filed the divorce petition in HMOP.No.112 of 2023. Now the petitioner is facing difficulty to take care of the two children and her aged mother and she cannot travel all the way from Thiruppur to Paramathy. Hence, prays for transfer.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is facing difficulty in taking care of her two children and her aged mother. Added to it, she is the only person who is dropping and picking her children from the school. Hence, she could not travel all the way from Thirupur to Namakkal to attend Court proceedings which is around 110 kms.



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from the file of the Subordinate Court, Pramathy and transfers the same to the file of the Family Court at Thirupur. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

01.08.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

- 1.The Subordinate Court,
Pramathy.
- 2.The Family Court at Thiruppur.



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M.NIRMAL KUMAR, J.

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