



Tr.C.M.P.No.451 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.451 of 2023

and

C.M.P.No.10205 of 2023

D.Nithiyavathy ... Petitioner

Vs

C.Jagadeesan ... Respondent

Prayer : Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the petition in H.M.O.P.No.3 of 2023 before the Hon'ble Sub Judge, Vaniyambadi and transfer to the Hon'ble Family Court, Thanjavur.

For Petitioner : Mr.J.Thomas Edwin Fantin

For Respondent : Ms.R.Poornima

ORDER

This petition has been filed for withdrawing the proceedings in H.M.O.P.No.3 of 2023 before the Sub Court, Vaniyambadi and transfer to the file of the Family Court at Thanjavur.



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2. Pending this transfer proceeding, a new Court was created at Ambur and therefore due to bifurcation of jurisdiction, O.P.No.3 of 2023 which is pending on the file of the Sub Court, Vaniyambadi was transferred to Sub Court at Ambur and renumbered as O.P.No.51 of 2023. The wife had already initiated proceedings before the Family Court at Thanjavur in M.C.No.33 of 2022 seeking maintenance. After having received summons in that proceeding, the husband has initiated the aforesaid proceeding.

3. Both sides agree that from the wedlock, a child was born who is about 10 years old. It will be difficult for the wife to travel from Thanjavur to Ambur and back.

4. Considering the overall circumstances, H.M.O.P.No.3 of 2023 on the file of the Sub Court, Vaniyambadi now renumbered as H.M.O.P.No.51 of 2023 on the file of Sub Court, Ambur is withdrawn and transferred to the file of Family Court at Thanjavur.



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5. Ms.Poornima for the respondent submits that husband was working in Leather Company at Vaniyambadi and currently is unemployed and therefore it will not be possible to attend every hearing at Thanjavur.

6. The learned Family Court Judge at Thanjavur is requested to permit the respondent to appear only for the essential hearings and for all other hearings, he may be represented through a counsel.

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

05.04.2024

Index : Yes/No

Neutral Citation : Yes/No

Sgl

To

1.The Sub Court,
Vaniyambadi.

2.The Family Court,
Thanjavur.



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V. LAKSHMINARAYANAN, J.

Sgl

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