



WEB COPY



Tr.C.M.P.No.531 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.531 of 2024 and
C.M.P.No.11935 of 2024

S.Tharani

... Petitioner

Vs.

R.Tamilarasan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP No.49/2023 on the file of Sub Court, Palacode to Family Court, Krishnagiri.

For Petitioner : Ms.R.Poornima
For Respondent : Mr.C.Munusamy

ORDER

The petitioner filed this transfer petition seeking transfer of HMOP.No.49 of 2023 filed by her estranged husband/respondent from the file of the Subordinate Court, Palacode to the file of the Family Court,



Tr.C.M.P.No.531 of 2024

Krishnagiri.

WEB COPY

2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 26.11.2020 at Sri Aranganathar Thirukovil, Kaveripattinam and they were blessed with a female child born on 02.01.2022. Right from the marriage, the respondent is working in Bangalore and not taken care of the petitioner and not questioned his family members for not taking care of the petitioner at the time of pregnancy. The respondent is earning handful amount of more than Rs.1,00,000/- as monthly salary. After receiving summon from the Court when the petitioner attempted to call the respondent, he has not responded. When the petitioner had gone to the matrimonial home, she was chased away by the family members of the respondent. Now the petitioner and her female child depend on her father. He further submitted that the petitioner is residing in Thoppur and there is no proper bus facility to reach Palacode. Hence, prays for transfer.

3.The learned counsel for the respondent submitted that right from the marriage, the petitioner not acted as a dutiful wife of the respondent.



Tr.C.M.P.No.531 of 2024

Whenever the respondent called the petitioner over phone, the petitioner refused to speak with the respondent. When the same was questioned by the family members of the respondent, the petitioner abused them. Due to which, misunderstanding arose and the petitioner voluntarily left the matrimonial home.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is facing difficulty in taking care of her female child and she depends upon her father. Added to it, there is no frequent bus facility from Thoppur to reach the Court at Palacode. Being a single woman, she cannot travel all the way from Thoppur to Palacode with a female child. In view of the same, this Court withdraws HMOP.No.49 of 2023 from the file of the Subordinate Court, Palacode and transfers the same to the file of the Family Court at Krishnagiri.

5.At this juncture, the learned counsel for the petitioner and the respondent submits that dehors the transfer of case, both the petitioner and the respondent are willing for Mediation. Hence, the learned Family Court



Tr.C.M.P.No.531 of 2024

at Krishnagiri is directed to take appropriate steps in this regard.

WEB COPY

M.NIRMAL KUMAR, J.

vv2

6.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

vv2

To

1.The Subordinate Court,
Palacode.

2.The Family Court at Krishnagiri.

Tr.C.M.P.No.531 of 2024