



Tr.C.M.P.No. 623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2024

CORAM

**THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN**

**Tr.C.M.P.No. 623 of 2024**

**&**

**C.M.P.No.13266 of 2024**

S.Saroja

...Petitioner

Vs.

Subramaniyan

...Respondent

**Prayer:** Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the original petition in M.C.No.2 of 2020 pending on the file of the Judicial Magistrate No.2, Jeyankondam to Sub Court at Poonamallee.

For Petitioner : M/s. S.Vennila

For Respondent : Mr. Mahendra Naidu.



Tr.C.M.P.No. 623 of 2024

## **ORDER**

The petitioner is the wife and the respondent is the husband. The petitioner married the respondent on 10.09.1973 at Udaiyarpalayam. The wedlock produced three sons. Alleging that the respondent has abandoned her and her children at Chennai, the petitioner filed M.C.No.2 of 2020 on the file of the Judicial Magistrate II, Jeyankondam.

2. The wife pleads that she is not in a position to travel from Chennai to Jeyankondam for the purpose of prosecuting the Maintenance Case. Hence, this transfer petition.

3. Notice was ordered in the petition on 11.07.2024 and Mr.Raghuraman entered appearance for the respondent.

4. Heard M/s. S.Vennila for the petitioner and Mr.Bharath for the respondent.



5. The petitioner / wife is aged about 65 years and the respondent / husband is also aged about 66 years. The petitioner finds it very difficult to travel from Chennai to Jeyankondam, for the purpose of prosecuting the Maintenance Case initiated by her.

6. Considering the age of the petitioner, I am inclined to accept the transfer. Accordingly, M.C.No.2 of 2020 on the file of the Judicial Magistrate II, Jeyankondam is withdrawn and transferred to the file of the Subordinate Court, Poonamallee.

7. At this stage, Mr.Bharath would submit that his client is suffering from renal cortical cysts and taking into consideration this plea, the learned Subordinate Judge, Poonamallee is requested not insist upon the appearance of the respondent / husband on every hearing. The respondent shall be present on all the dates when his presence is indispensable. The learned Subordinate Judge, Poonamallee, is requested to expedite the proceedings. The learned Subordinate Judge, Poonamallee, shall also take note of the fact that the petitioner and the



Tr.C.M.P.No. 623 of 2024

respondent are senior citizens and give utmost priority to the said petition.

8. With the above observations, the Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

**20.09.2024**

Index : Yes/No  
Internet : Yes/No  
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Tr.C.M.P.No. 623 of 2024

To

1.The Judicial Magistrate II,  
Jeyankondam.

2.The Sub Court,  
Poonamallee.

**V.LAKSHMINARAYANAN, J.**



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Tr.C.M.P.No. 623 of 2024

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