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Tr Cmp.No.702 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.702 of 2023

and

CMP.No.17011 of 2023

Rajeswari

... Petitioner

/vs/

P.Senthilnathan

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.202/2022 from the file of the Subordinate Court, Katpadi and transfer the same to the Principal Family Court, Chennai.

For Petitioner ... Ms.Ra.Parkavi
for Mr.K.Poomalai

For Respondent ... Ms.D.Nandhini
for M/s M.Jaikumar



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in HMOP No.202/2022 from the file of the Subordinate Court, Katpadi and transfer the same to the Principal Family Court, Chennai.

2. The petitioner is wife and the respondent is husband. The respondent has filed the above said HMOP No.202/2022 seeking diverse. In the above petition, the petitioner has filed I.A.No.1/2022 seeking maintenance and the same was ordered on 24.02.2023. The petitioner is residing at Chennai and it is very difficult for her to travel from Chennai to Katpadi for hearings of the divorce petition and hence, this transfer petition has been filed.

3. Heard the learned counsel for the petitioner and the respondent and I have perused the materials on record.



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4. Admittedly, the divorce petition filed by the respondent in HMOP No.202/2022 is pending before the Subordinate Judge, Katpadi and in the above petition, the petitioner herein has filed I.A.No.1/2022, seeking maintenance and it was ordered on 24.02.2023. It is to be noted that, for getting maintenance order, the petitioner has travelled from Chennai to Katpadi and also got the order in favour of her on 24.02.2023. After getting the maintenance order, now, the petitioner has filed the instant transfer petition, expressing her difficulty that she is not feeling well to travel from Chennai to Katpadi and not able to sustain the cost of travel and litigation expense for every hearings, since her monthly salary is meager. In such circumstances, this court is of the view that the grounds raised by the petitioner is not acceptable and hence, the transfer petition is liable to be dismissed.

5. In fine, this transfer civil miscellaneous petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
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V.SIVAGNANAM ,J.

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