



WEB COPY



Tr.CMP.No.647 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.647 of 2023
and C.M.P.No.16039 of 2023

S.Thatchayini

.. Petitioner

Vs.

M.Hariharan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer of HMOP No.290 of 2022 from the file of the learned Subordinate Judge, Kancheepuram to the file of the learned Subordinate Judge at Tindivanam.

For Petitioner : Mr.G.Mageshkumar

For Respondent : Mr.S.Prabhu

ORDER

The petitioner and the respondent entered into matrimony on 12.11.2014 at Sri Kamkshi Chathiram, Kamakshi Amman North Mada Street, Big Kancheepuram.

2. Due to disputes and differences that arose out of matrimony, the



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wife has returned to her parents house at Vanur in Villupuram District. As her husband was not maintaining her, she initiated the proceeding in M.C.No.5 of 2016 on the file of the Judicial Magistrate Court, Vanur. The petition avers that though the learned Magistrate ordered a sum of Rs.15,000/-per month, till date the husband has not honored the same. In the meantime, the husband has initiated the proceeding in HMOP No.292 of 2022 on the file of the Subordinate Court, Kancheepuram seeking divorce by invoking the provisions under Sections 13(1)(a) and 13(1)(b) of the Hindu Marriage Act.

3. The petitioner/wife not being in a position to maintain herself pleads that she does not have the financial ability to engage a counsel at Kancheepuram. She also pleads that she has to change several buses in order to reach the Kancheepuram Court.

4. Taking into consideration the financial as well as physical difficulties expressed by the wife, I am inclined to allow this transfer petition. Hence, the proceeding in HMOP.No.290 of 2022 pending on the file of the learned Subordinate Judge, Kancheepuram is withdrawn and it



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shall stand transferred to the file of the learned Subordinate Judge, Tindivanam.

5. Mr.S.Prabhu, appearing on behalf of the respondent/husband would submit that, in the proceedings before the Subordinate Court, Kancheepuram, he has filed his proof affidavit and also the documents were marked as Ex.P1 to P4. He also pleads that his client might face assault at the hands of the petitioner/wife at Subordinate Court, Tindivanam.

6. Considering the above submission, the learned Subordinate Judge, Tindivanam shall continue the proceedings from the stage where it stood on the file of the learned Subordinate Judge, Kancheepuram. In the unlikely event of any assault of the respondent/husband in the Court Premises, the Court has to give appropriate direction for protection.

7. The learned Subordinate Judge, Tindivanam is requested not to insist on the presence of the husband for every hearing, but he shall be directed to be present only for such hearings where his presence is



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indispensable. On the other hearings, he may be represented through a
counsel.

8. Accordingly, the Transfer Civil Miscellaneous Petition stands
allowed. No costs. The connected Civil Miscellaneous Petition is closed.

24.06.2024

msv

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The Subordinate Court, Kancheepuram.

2.The Subordinate Court, Tindivanam.

V. LAKSHMINARAYANAN, J.

msv



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