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Tr.C.M.P.No.909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.No.909 of 2023
and C.M.P.No.21787 of 2023

A.Nivetha ... Petitioner

-Vs-

Kumaresan ... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure To withdraw HMOP.No.45/2022 on the file of Sub Court Tirupattur District and transfer the same on the file of the Principal Family Court Tiruvannamalai Tiruvannamalai District.

For Petitioner : Ms.Mumtaj Surya

For Respondents : Ms.A.Subadra
for Mr.K.Udayakumar
(lower court counsel)

ORDER

Originally the transfer petition was taken up for hearing on 20.07.2024. The respondent husband had not entered appearance. Subsequently, a mention was made by Ms.A.Subathra before me on 31.07.2024 stating that she has received instructions from Mr.Udhayakumar to make submissions on his behalf before this Court. After hearing both sides, I am entering upon the judgment in this case.



Tr.C.M.P.No.909 of 2023

WEB COPY

2. There is no dispute in the relationship between the parties. The petitioner married the respondent on 10.02.2019 and the wedlock produced a male child by name Sivan on 19.11.2019. Due to disputes and differences, the husband has initiated proceedings for divorce in HMOP No.45 of 2022 on the file of the Sub Court at Tirupattur. The wife is a permanent resident of Thalavanaickenpettai, Chengam Taluk, Tiruvannamalai District. The wife has initiated proceedings before the learned Judicial Magistrate at Chengam in M.C.No.7 of 2022 seeking maintenance from the husband.

3. Ms.A.Subathra would point out that subsequently the proceedings have been transferred Family Court at Tiruvannamalai and renumbered as M.C.No.13 of 2023 and is pending before that Court.

4. Pleading that she is unable to travel from her village in Thalavanaickenpettai to Tirupattur to attend the hearings and also pleading lack of financial ability to sustain herself and undertake the journey, the wife has moved this transfer petition.

5. Taking into consideration the financial as well as physical inability pleaded by the wife since she is taking care of a child who is aged about 4 years today, I am inclined to accept the plea of transfer. Further more, I have to take note that there



Tr.C.M.P.No.909 of 2023

should not be conflicting judgments by the Family Court at Tiruvannamalai and Sub Court at Tirupattur. Consequently, HMOP No.45 of 2022 pending on the file of the Sub Court at Tirupattur is withdrawn and transferred to the Family Court at Tiruvannamalai to be heard and disposed of along with M.C.No.13 of 2023. The respondent husband shall be present before the Court for all essential hearings. For all other procedural and non-essential hearings, he shall be represented by his counsel.

02.08.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The Subordinate Court, Tirupattur.
- 2.Family Court, Tiruvannamalai.



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Tr.C.M.P.No.909 of 2023

V. LAKSHMINARAYANAN, J.

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