



Tr.CMP.No.1002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1002 of 2023

and

C.M.P.No.24206 of 2023

S.Pavithra

.. Petitioner

Vs.

B.Sabari

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.75 of 2023 on the file of the Sub Court at Neyveli and transfer the same to the file of the Sub Court at Kumbakonam.

For Petitioner : Mr.A.Mohamed Ismail

For Respondent : Served, No Appearance

ORDER

The petitioner is the wife. She married the respondent on 23.11.2017 at Kumbakonam. From the wedlock, a girl child was born on 22.08.2018 and she is around six years old as of today. The girl child is now under the custody of her mother, who is the petitioner herein.



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2. Due to differences that have arisen between the parties, the respondent/husband has initiated proceedings in H.M.O.P.No.75 of 2023 on the file of the Sub Court at Neyveli.

3. The petitioner/wife pleads that she is the permanent resident of Kumbakonam and in support thereof, she has filed her Aadhar Card. She also filed the Aadhar Card of her minor child, Poorna.

4. Pleading financial and physical inability to travel from Kumbakonam to Neyveli, she has moved this transfer petition.

5. Notice was ordered in the application on 31.10.2023 and the same was served to the respondent on 24.05.2024. The case was listed before me on 07.06.2024. Considering the fact that the husband has been served recently, I adjourned the matter today i.e., on 14.06.2024. Even today, there is no appearance on behalf of the husband nor he is present in person to oppose this petition.

6. Taking into consideration the fact that the petitioner is residing at



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Kumbakonam and also the fact that she has the custody of the minor girl child which has been substantiated by the records produced in the type set of papers and also the fact that the distance between Kumbakonam and Neyveli is considerable, I am inclined to allow this transfer petition.

7. Hence, the proceeding in H.M.O.P.No.75 of 2023 pending on the file of the Sub Court at Neyveli is withdrawn and it shall stand transferred to the file of the Sub Court at Kumbakonam.

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

14.06.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation: Yes/No

V. LAKSHMINARAYANAN, J.



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To

- 1.The Sub Court,
Neyveli
- 2.The Sub Court,
Kumbakonam

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