



Tr.CMP.No.1081 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1081 of 2023

and

C.M.P.No.25975 of 2023

1.Anbarasi

2.Minor Tamil Elaakiiyan

Represented by natural

guardian mother/the 1st petitioner herein

.. Petitioners

Vs.

J.Arockiya Amaldass

.. 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.78 of 2023 pending on the file of the learned Subordinate Judge at Ramanathapuram and transfer the same to the file of the learned Family Judge at Cuddalore.

For Petitioners : Mr.N.R.Rajagopalan

For Respondent : Served, No Appearance



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ORDER

The wife is the 1st petitioner before me. She married the respondent on 24.04.2000. From the wedlock, a male child was born on 08.05.2008, who is arrayed as 2nd petitioner herein.

2. The 1st petitioner/wife states that she is the permanent resident of Cuddalore. She alleges that the husband had deserted the family at Cuddalore and had gone over to his native place at Ramanathapuram. Thereafter, the respondent/husband has initiated the proceeding seeking divorce in H.M.O.P.No.78 of 2023 before the Sub Court at Ramanathapuram. Pleading that she is unable to maintain herself and her son, she has initiated the maintenance proceeding in M.C.No.19 of 2003 on the file of the Family Court at Cuddalore.

3. Notice was ordered in this petition on 20.11.2023, and the respondent was served on 07.12.2023. Despite service of notice, the husband has not entered appearance through a counsel nor is he present in-person to oppose this petition.

4. Taking into consideration the fact that the distance between



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Ramanathapuram and Cuddalore is considerable, and since the wife has initiated the proceeding for maintenance in M.C.No.19 of 2023 before the Family Court at Cuddalore, I feel that it will be difficult for the wife to contest the proceeding at Ramanathapuram.

5. Furthermore, it is in the interest of both the parties that the matrimonial proceeding as well as the maintenance proceeding be heard and decided by the same learned Judge. Hence, the proceeding in H.M.O.P.No.78 of 2023 pending on the file of the learned Subordinate Judge at Ramanathapuram is withdrawn and it shall stand transferred to the file of the learned Family Judge at Cuddalore to be heard and disposed of along with the proceeding in M.C.No.19 of 2023.

6. The learned Family Judge at Cuddalore 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 indispensable. On the other hearings, he may be represented through a counsel.

7. Accordingly, the Transfer Civil Miscellaneous Petition stands



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allowed. No costs. The connected Civil Miscellaneous Petition is closed.

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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 learned Subordinate Judge,
Ramanathapuram

2.The learned Family Judge,
Cuddalore

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