



Tr.CMP.No.1131 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.CMP.No.1131 of 2023

and

C.M.P.No.27224 of 2023

Karthigai Jothi

.. Petitioner

Vs.

Sivasarathy

.. 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.499 of 2023 pending on the file of the learned Family Judge at Tiruppur and transfer the same to the file of the Sub Court at Pollachi.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Served, No Appearance

ORDER

The petitioner is the wife. She married the respondent on 11.11.2009.

From the wedlock, two children were born. Both the children are minors.

They are aged about 12 years and 7 years respectively and the children are



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said to be in the custody of the mother.

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2. The petitioner pleads that the respondent/husband turned her away from the matrimonial home along with her children. She has returned to her parental home at Pollachi. In the mean time, the husband has initiated proceeding in H.M.O.P.No.499 of 2023 before the Family Court at Tiruppur.

3. Pleading inability to travel from Pollachi to Tiruppur, the petitioner/wife has moved this present Transfer Civil Miscellaneous Petition.

4. Notice was ordered in the application on 12.12.2023. The husband was served on 20.05.2024 and the matter was listed before me on 07.06.2024. In order to give an opportunity for the husband to engage a counsel, I adjourned the matter by a week. Even today, there is no appearance on behalf of the husband nor he is present in person to oppose this application.

5. Taking into consideration that there are two minor children from



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the marriage, who are in the custody of the petitioner/wife, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.499 of 2023 pending on the file of the Family Court at Tiruppur is withdrawn and it shall stand transferred to the file of the Sub Court at Pollachi.

6. 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 Family Court,
Tiruppur

2.The Sub Court,
Pollachi

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