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Tr.CMP No.2 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.2 of 2024

S.Rajeshwari

.... Petitioner

-Vs-

R.V.Kannan @ Ramalingasamy

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw HMOP No.33 of 2023 on the file of Subordinate Judge at Manapparai, Trichy and transfer the same to the Family Court, Perambalur and tag along with HMOP No.167/2023 pending on the file of the learned Family Court, Perambalur.

For Petitioner : Mr.B.Balavijayan
For Respondent : Mr.P.Chinnadurai

ORDER

The petitioner is the wife. She married the respondent on 18.08.2019 at Swamimalai in Thanjavur District. From the wedlock, a female child was born on 24.06.2020. Due to disputes and differences, the parties have separated and are now before the Court.

2. The husband has initiated HMOP No.33 of 2023 before the learned Subordinate Judge at Manapparai, Trichy. The wife has initiated HMOP No.167 of 2023 on the file of the Family Court at Perambalur. She pleads that she is



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unemployed, whereas the husband who is working in the Union Office at Manapparai is earning about Rs.40,000/-. Being unable to maintain herself and the child, she has filed M.C.No.33 of 2023 on the file of the Family Court at Perambalur.

3. Taking into consideration the financial as well as the physical inability pleaded by the wife, I am inclined to accept the transfer. Accordingly, HMOP No.33 of 2023 now pending on the file of learned Subordinate Judge, Manapparai, Trichy is withdrawn and transferred to the Family Court at Perambalur. It shall be heard and decided along with HMOP No.67 of 2023 and M.C.No.33 of 2023 pending before the Family Court at Perambalur. The husband being a Government employee, the learned Judge, Family Court at Perambalur is requested not to insist the appearance of the husband on every hearing. The husband shall appear for all essential hearings where his presence is indispensable. For the other hearings including procedural matters, he will be represented through a counsel.

4. The Transfer C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2024

Index : Yes/No

Neutral Citation : Yes/No

KST



Tr.CMP No.2 of 2021.

To

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- 1.The Subordinate Judge, Manapparai, Trichy.
- 2.The Family Court, Perambalur.



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V. LAKSHMINARAYANAN, J.
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