

WEB COPY

Tr. CMP.No.86 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. CMP.No.86 of 2023

and

C.M.P.No.1999 of 2023

V.S.Nithya

... Petitioner

Vs.

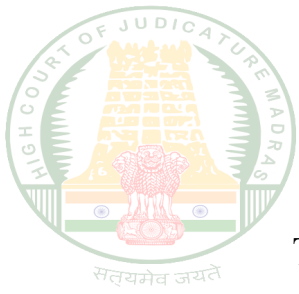
T.K.Thangadurai
Respondent

...

Prayer:- Transfer Petition is filed under Section 24 of the CPC to withdraw the case in H.M.O.P.No. 22 of 2021 pending on the file of the Sub Court, Rasipuram at Namakkal District and to transfer the same to the Sub Court, Gobichettipalayam, Erode District.

For Petitioner : M/s.Ma.P.Thangavel

For Respondent : M/s.S.Ashok Kumar



ORDER

The respondent/wife in a petition for divorce filed under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act is the petitioner before this Court seeking to transfer HMOP.No.22 of 2021 pending on the file of the Sub Court, Rasipuram to the file of the Sub Court at Gobichettipalayam.

2. Reasons for seeking the transfer are as follows:-

- (i) The petitioner had been driven out of the matrimonial home on account of her ill health.
- (ii) The petitioner and her minor daughter are under the care and custody of her old aged parents.
- (iii) The petitioner is not keeping good health.
- (iv) The respondent has not been paying any maintenance to the petitioner and her minor daughter.

3. Heard the learned counsel on either side.

4. Consider the above and taking into account the interest of justice since the respondent has not been paying any maintenance to



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the petitioner and her minor daughter, the Transfer Civil Miscellaneous Petition is allowed and HMOP.No.22 of 2021 pending on the file of the Sub Court, Rasipuram is withdrawn and transferred to the Sub Court, Gobichettipalayam.

5. It is submitted by the learned counsel for the respondent that the respondent is a daily wager. Therefore, considering this fact, a direction is issued to the Sub Court, Gobichettipalayam that the respondent/husband shall be called upon to appear before the Court only at the time of his oral evidence. No costs. Consequently, the connected Miscellaneous Petition is closed.

14.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Sub Court, Rasipuram at Namakkal District

2.The Sub Court, Gobichettipalayam, Erode District.



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P.T. ASHA. J.,

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