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Tr.C.M.P.No.319 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.319 of 2024

and

C.M.P.No.6546 of 2024

Gomathi

... Petitioner

Vs

Kamalakannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.94 of 2023 pending on the file of the Additional Subordinate Court at Kumbakonam, Thanjavur District and transfer the same to the Subordinate Court at Chidambaram, Cuddalore District.

For Petitioner : Ms.V.Susithra

For Respondent : Served-No Appearance



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ORDER

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2. Earlier, the respondent-husband had filed H.M.O.P.No.74 of 2015 on the file of the Additional Sub Court, Kumbakonbam seeking a divorce. The petitioner-wife had filed Tr.C.M.P.No.805 of 2017 on the file of this Court and by order dated 23.01.2018, the said H.M.O.P was transferred to the file of the Subordinate Court, Jayamkondan. The respondent had withdrawn the H.M.O.P.No.74 of 2015 but however did not take steps to reunite with the wife. Once again, the husband filed H.M.O.P.No.94 of 2023 on the file of the Additional Sub Court, Kumbakonam for divorce. Hence, this Tr.C.M.P is filed.



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3. The reasons for seeking the transfer is on the ground that the petitioner is residing at Kattumannarkoil which falls within the jurisdiction of the Subordinate Court, Cuddalore. Though there is an order directing payment of maintenance in M.C.No.1 of 2015, the respondent has been defaulting in the payment of maintenance and the petitioner-wife is finding it difficult financially.

4. Heard the learned counsel for the petitioner and perused the materials available on record. The notice sent to the respondent both through Court as well as privately has been returned with an endorsement “Unclaimed” and the postal authorities have stated that intimation has been served. Therefore, there is a deemed served on the respondent.

5. Taking into consideration the facts and circumstances of the case and looking into the grievances expressed by the petitioner, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.94



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of 2023 pending on the file of the Additional Subordinate Court at Kumbakonam, Thanjavur District shall stand withdrawn and transferred to the file of the Subordinate Court at Chidambaram, Cuddalore District. Consequently, connected civil miscellaneous petition is closed.

22.04.2025

srn

To

1. The Additional Subordinate Court at Kumbakonam, Thanjavur.
2. The Subordinate Court at Chidambaram, Cuddalore District.



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P.T.ASHA, J.,

srn

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