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Tr.CMP.No.265 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.265 of 2024  
and CMP.No.5520 of 2024

M.Sivapriya

... Petitioner

Vs.

C.Sridharan

... Respondent

**Prayer:** Transfer Petition filed under Sec.24 of CPC praying to transfer the case in H.M.O.P.No.85 of 2022 before the Principal Subordinate Court, Dindigul and try the same along with the case in M.C.No.61 of 2023 on the file of II Additional Family Court, Chennai.

For Petitioner : Mr.N.Elayaraja

For Respondent : No appearance [Not ready in notice]

**ORDER**

The respondent wife has filed the above transfer petition seeking to



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withdraw HMOP.No.85 of 2022 pending on the file of Principal Subordinate Court, Dindigul and transfer the same to II Additional Family Court, Chennai, to be tried along with M.C.No.61 of 2023, which is pending on the said Court at Chennai.

2. The petitioner would submit that she is residing in Chennai, after she had left her matrimonial home at Nilakottai, owing to the cruelty meted out to her by the respondent-husband. She would submit that while the marriage between her and the husband was subsisting, the respondent-husband had planned to contract a second marriage with a minor girl. The petitioner therefore, lodged a complaint before W-27, Valasaravakkam All Women Police Station on 19.08.2022 and 20.08.2022. Based on which, the second marriage with the minor girl was stopped and the girl was saved.

3. The petitioner would further submit that since the respondent-husband is not maintaining her, she had filed a maintenance case in M.C.No.61 of 2023 on the file of II Additional Family Court, Chennai. In such a situation, the respondent-husband had filed HMOP.No.85 of 2022 before the Principal Subordinate Court, Dindigul, seeking for divorce.



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4. Since the petitioner-wife is not able to travel all the way to Dindigul from her native place at Chennai, to conduct the case at Dindigul and that she had already filed a maintenance case in M.C.No.61 of 2023 on the file of II Additional Family Court, Chennai, she has come forward with the above Transfer CMP.

5. Heard the learned counsel for the petitioner. The respondent though had been served with a notice by the petitioner, had failed to enter appearance either through counsel or in person.

6. Considering the fact that the petition filed by the petitioner-wife for maintenance is pending before II Additional Family Court at Chennai and taking note of the fact the respondent had not been providing any maintenance to the petitioner, it would not be fair to make her travel all the way to Dindigul from Chennai, exclusively for the purpose of attending the Court proceedings. Therefore, HMOP.No.85 of 2022 now pending on the file of Principal Subordinate Court, Dindigul, is directed to be withdrawn from its file and transferred to II Additional Family Court, Chennai, to be



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tried along with M.C.No.61 of 2023.

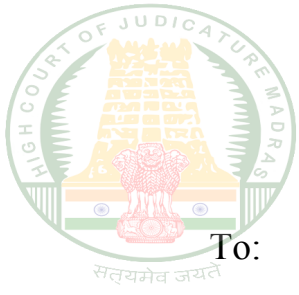
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7. In the result, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

**03.03.2025**

Index : Yes/No  
Internet : Yes/No  
Neutral Citation : Yes / No  
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To:

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- 1.The Principal Subordinate Judge  
Dindigul.
- 2.The Judge  
II Additional Family Court, Chennai
- 3.The Section Officer  
VR Section  
High Court, Madras.



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P.T. ASHA, J.

ds

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