



WEB COPY



Tr.CMP.No.350 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.350 of 2024
and CMP.No.7230 of 2024

N.Monica @ J.Mohanabai

... Petitioner

Vs.

P.Jagadeswar Singh

... Respondent

Prayer: Transfer Petition filed under Sec.24 of CPC praying to withdraw and transfer HMOP.No.123 of 2023 pending before the Sub Court at Rasipuram to Family Court at Vellore.

For Petitioner : Mr.Koviramalingam

For Respondent : Mr.V.R.Navaneetha Krishnan

ORDER

Seeking to transfer HMOP. No.123 of 2023 pending on the file of Sub Court, Rasipuram to the Family Court at Vellore, the wife had preferred the above Transfer Civil Miscellaneous Petition.



WEB COPY

2. The petitioner is the native of Vellore. She would submit that originally the husband had filed HMOP.No.51 of 2022 on the file of Sub Court, Avinashi at Tiruppur District, for divorce, and that HMOP was subsequently transferred to Sub Court, Vellore and re-numbered as HMOP.No.10/2023, pursuant to the order passed by this Court in the transfer petition in Tr.CMP.No.838 of 2022, which was preferred by the wife before this Court. Thereafter, the respondent approached the petitioner-wife stating that he was willing to live with her considering the welfare of their son and accordingly that HMOP.No.10/2023 was withdrawn. However, once again his assurance was only observed in breach. Thereafter, the husband filed the present HMOP.NO.123 of 2023 for divorce before Sub Court, Rasipuram.

3. According to the petitioner, the respondent-husband is working in Bangalore. He did not care to maintain either his wife or his son, who is a minor. Despite the fact that the respondent-husband was very much aware that the petitioner-wife is residing at Vellore, he had filed the present HMOP.NO.123 of 2023 before Sub Court, Rasipuram, only with an



Tr.CMP.No.350 of 2024

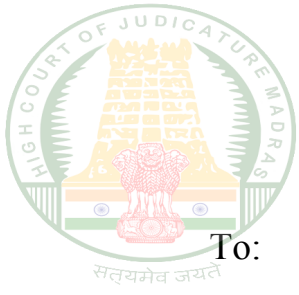
WEB COPY

intention to drag her to a Court at a far off place from her residence, so that her incapability in attending the Court regularly may help him to get an exparte divorce easily.

4. Considering the fact that the petitioner-wife is residing at Vellore which is far away from Rasipuram and that no steps have been taken by the husband-respondent to maintain their minor child and the petitioner and the fact that the earlier HMOP filed by the respondent-husband had been transferred to the Court at Vellore, which is the petitioner's place of residence, this Transfer Civil Miscellaneous Petition is allowed and HMOP.No.123/2023 is withdrawn from the file of Sub Court, Rasipuram and is transferred to the Family Court at Vellore. No costs. Consequently, connected miscellaneous petition is closed.

03.03.2025

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



Tr.CMP.No.350 of 2022

To:

WEB COPY

- 1.The Subordinate Judge
Rasipuram.
- 2.The Judge
Family Court, Vellore.
- 3.The Section Officer
VR Section
High Court, Madras.



WEB COPY



Tr.CMP.No.350 of 2024

P.T. ASHA, J.

ds

Tr.CMP.No.350 of 2024

03.03.2025