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Tr.C.M.P.No.433 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2025

CORAM

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

Tr.C.M.P.No.433 of 2024

&

C.M.P.No.8941 of 2024

N.Sugithra

... Petitioner

Vs

N.Rajasekar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the divorce petition in F.C.O.P.No.100 of 2024 pending on the file of the Family Court Judge at Erode and transfer the same to the Family Court Judge, Krishnagiri.

For Petitioner : Mr.G.Punniakoti

For Respondent : L.P.Shanmugasundaram



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ORDER

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition seeking to withdraw F.CO.P.No.100 of 2024 filed by the husband pending on the file of the Family Court, Erode and transfer the same to the file of the Family Court, Krishnagiri.

2. The respondent-husband has filed the above F.CO.P.No.100 of 2024 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Family Court, Erode, for divorce.

3. The following are the reasons that have been given for seeking the transfer.

a) The petitioner had been driven out of the matrimonial home on account of the respondent/husband's cruelty.

b) The petitioner, along with her two minor children, is residing at her parents' home and is



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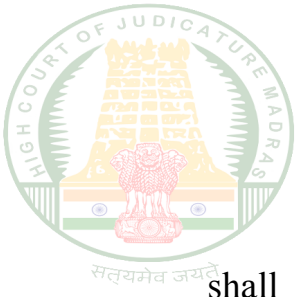
dependent on her parents for the day-to-day living, as she is unemployed.

c) The respondent has not been giving any maintenance to the petitioner or his minor children.

d) Since the matter is pending before the Family Court, Erode, the presence of the petitioner for every hearing is mandatory and for which she has to travel 185 kms from her home at Acharamangalam to Erode.

4. Heard the learned counsels on either side and perused the materials available on record.

5. Taking note of the reasons that have been set out by the petitioner and more particularly considering the fact that the respondent has not been taken steps whatsoever to maintain the petitioner and her minor children, the petitioner cannot be expected to travel to Erode to attend the hearings. Therefore, this Tr.C.M.P is allowed and F.C.O.P.No.100 of 2024 pending on the file of the Family Court, Erode



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shall stand withdrawn and transferred to the file of Family Court, Krishnagiri. However, the presence of the petitioner-husband for non-effective hearings is dispensed with and he shall be present before the Family Court at Krishnagiri only for counselling and for adducing evidence. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2025

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To

1. The Family Court Judge, Erode
2. The Family Court Judge, Krishnagiri.
3. The Section Officer, V.R.Section, High Court, Madras.



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P.T.ASHA, J.,

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