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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.02.2025

CORAM

THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

Tr.C.M.P.No.479 of 2023

and

C.M.P.No.11368 of 2023

G.Punitha

... Petitioner

Vs.

J.Balakrishnan

...Respondent

PRAYER: The Transfer Civil Miscellaneous Petition has been filed under Section 24 of CPC, praying to withdraw H.M.O.P.No.274 of 2022 on the file of Family Court, Thiruchirapalli and transfer the same and try along with the applicant filed by the petitioner in F.C.O.P.No.418 of 2012 on the file of Family Court, Erode.

For Petitioner :Mr.R.Nalliyappan

For Respondent :No appearance - served



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ORDER

The respondent-wife has filed this Transfer Civil Miscellaneous Petition (Tr.C.M.P.) seeking to withdraw and transfer H.M.O.P. No. 274 of 2022, currently pending before the Family Court, Thiruchirapalli, to the Family Court, Erode.

2. The respondent-husband, though served, has not entered an appearance.

3. The petitioner seeks the transfer, stating that a complaint in F.C.O.P. No. 418 of 2022 is pending before the Family Court, Erode. The respondent has thereafter filed an application for restitution of conjugal rights in H.M.O.P. No. 274 of 2022, which is presently before the Family Court, Thiruchirapalli.

4. Taking into account the fact that the petitioner has suffered both



mental and physical abuse at the hands of the respondent and has filed a petition for divorce before the Family Court, Erode, and as the respondent-husband has not provided maintenance, she has sought the transfer.

5. Considering the arguments of the learned counsel for the petitioner and the reasons stated in the affidavit supporting the transfer petition, the request for transfer is justified. Therefore, H.M.O.P. No. 274 of 2022 is withdrawn from the Family Court, Thiruchirapalli, and transferred to be tried along with the application filed by the petitioner in F.C.O.P. No. 418 of 2022 before the Family Court, Erode.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected C.M.P. is closed.

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Index: Yes/No

Speaking Order: Yes/No

To

1. The Family Court, Thiruchirapalli
2. The Family Court, Erode.



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