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Tr. C.M.P.No. 719 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr. C.M.P.No. 719 of 2023

&

C.M.P. No. 17409 of 2023

A.Rubi Sebastina

...Petitioner

Vs.

D.Franklin Rex

...Respondent

Prayer: Transfer Petition is filed under Section 151 of the CPC, to withdraw IDOP.No.318 of 2023 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Erode to be tried along with DVC.No.24 of 2022.

For Petitioner : Mr. B.Prabakar

For Respondent : No Appearance.



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ORDER

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The transfer petition is filed to withdraw IDOP.No.318 of 2023 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Erode to be tried along with DVC.No.24 of 2022.

2. The petitioner married the respondent on 27.08.2017. Through the wedlock they were blessed with a male child on 07.08.2018. Thereafter, due to difference of opinion the respondent filed IDOP.No.142 of 2023 before the Family Court, Erode, seeking divorce. Thereafter, the respondent withdrew the said petition and filed IDOP.No.318 of 2023 on the file of the Family Court, Salem seeking restitution of conjugal rights.

3. The petitioner would submit that the respondent is not maintaining her and her child. Therefore, the petitioner has filed MC.No.76 of 2022 before the Family Court, Erode. She has also filed



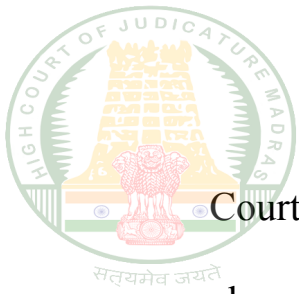
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DVC.No.24 of 2022 before the Mahila Court, Erode. The petitioner would submit that she has to travel more than 160 Kms to attend every hearings and it is very difficult for her both physically and financially. Further, she has take care of her 6 year old child. Therefore, the petitioner is before this Court.

4. The respondent though served has not entered appearance.

5. It is seen that the petitioner seeks transfer on the ground that the petitioner and her minor child are now living away from the respondent on account of his abusive nature. The husband has not been giving any maintenance to the wife as a result of which she has filed Maintenance Case before the Family Court, Erode.

6. Therefore, taking into account the aforesaid reasons the request appears to be reasonable and justified. The Transfer petition is allowed. IDOP.No.318 of 2023 pending on the file of the Family Court, Salem is withdrawn and transferred to the file of the Family



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Court, Erode. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

1.The Family Court,
Salem.

2.The Family Court,
Erode.



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