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Transfer Civil Misc. *Petition* No.1253 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

TR C.M.P.No.1253 of 2024
and C.M.P.No.27119 of 2024

Vidhyavathi

... Petitioner

Vs

D.Kamaraj

... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.123 of 2024 on the file of the Principal Subordinate Court, Kallakurichi and transfer the same to the file of Family Court, Krishnagiri.

For Petitioner	: Mr.R.Bharath Kumar
For Respondent	: Mr.A.Rajeswari

ORDER

The Petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the H.M.O.P.No.123 of 2024 pending on the file of the Principal Subordinate Court, Kallakurichi and transfer the same to the file of the Family Court, Krishnagiri.



2. The respondent-husband had filed H.M.O.P.No.123 of 2024 on the file of the Principal Subordinate Court, Kallakurichi for judicial separation.

3. The petitioner-wife seeks transfer on the following grounds:

(i) The petitioner is staying with her parents in Krishnagiri along with her minor daughter.

(ii) Her daughter is a small child and the petitioner is unable to travel from Krishnagiri to Kallakurichi which is nearly 230 kms away from her place of residence along with her daughter.

(ii) Her parents are aged and are not hale and healthy to accompany her.

(iii) The respondent is not giving any maintenance to the petitioner or her daughter.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

4. Taking into consideration the facts and circumstances of the case and looking into the grievances expressed by the petitioner, the Transfer



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Civil Miscellaneous Petition is allowed and H.M.O.P.No.123 of 2024 pending on the file of the Subordinate Court, Kallakurichi shall stand withdrawn and transferred to the file of the Family Court, Krishnagiri. The learned Judge, Family Court, Krishnagiri is directed not to insist upon the presence of the respondent-husband for all non effective hearings except for attending counselling and for adducing evidence. No costs. Consequently, connected civil miscellaneous petition is closed.

08.04.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The Principal Subordinate Court, Kallakurichi
2. The Family Court, Krishnagiri.



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P.T.ASHA, J.,

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