



Tr.C.M.P.No.1280 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P.No.1280 of 2024

C.M.P.No.27795 of 2024

K.Narmatha

...Petitioner

Vs

R.Vijayakumar

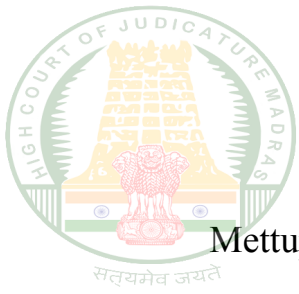
...Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under 24 of Code of Civil Procedure, pleaded to withdraw the H.M.O.P.No.40 of 2020 pending on the file of the Subordinate Court, Mettupalayam and transfer the same to the Family Court, Tiruppur to try along with M.C.No.61 of 2024 pending on the file of the Family Court, Tiruppur.

For Petitioner : Mr.M.Guruprasad
For Respondent : Served by private notice
(No appearance)

ORDER

The petitioner wife has invoked the jurisdiction under Section 24 of Code of Civil Procedure of this Court seeking to transfer H.M.O.P.No.40 of 2020 pending on the file of the Subordinate Court,



Tr.C.M.P.No.1280 of 2024

WEB COPY

Mettupalayam to the file of the Family Court, Tiruppur to be tried along with M.C.No.61 of 2024 pending on the file of the Family Court, Tiruppur.

2.The petitioner would submit that the respondent had married her on the false contention that he was permanently employed in a reputed company and it was only after the marriage that the petitioner had come to know that the respondent was a temporary employee in a company and that he had been terminated from work immediately after the marriage. Thereafter, the petitioner was subjected to physical abuse and her jewelery had also been pledged by the respondent. The petitioner had given birth to a baby girl on 16.05.2016. Owing to this physical abuse the petitioner was compelled to leave her matrimonial home along with her daughter and take shelter with her parents.

3.The respondent on the contrary had filed H.M.O.P.No.40 of 2020 on the file of the Subordinate Court, Mettupalayam, seeking a divorce. The petitioner has also entered appearance and filed her counter statement. However since she does not have the financial wherewithal and her father who was taking care of her needs had passed away, the



Tr.C.M.P.No.1280 of 2024

petitioner does not have the necessary income to even meet her day to day expenses. That apart she has to take care her child's education and the respondent has not taken any steps whatsoever to maintain them but had rushed to file a petition for divorce. Since the respondent has not cared to provide any maintenance to the petitioner she was compelled to file M.C.No.61 of 2024 on the file of the Family Court, Tiruppur and the same is pending.

4.In the light of the fact that the petitioner is finding it very difficult to meet the expenses for travelling to Mettupalayam from Tirupur, to participate in the proceedings and considering the fact that M.C.No.61 of 2024 is pending before the Family Court, Tiruppur, she would pray that the H.M.O.P.No.40 of 2020 be withdrawn from the file of the Subordinate Court, Mettupalayam and transfer to the file of the Family Court, Tiruppur.

5.Heard the learned counsel for the petitioner. The respondent having been served private notice and not entered appearance either in person or through pleader.



Tr.C.M.P.No.1280 of 2024

6.The reasons that have been set out seeking transfer of the proceedings now pending before the Sub Court, Mettupalayam appears to be reasonable and further the maintenance case filed by the petitioner pending on the file of the Family Court, Tiruppur. Therefore, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.40 of 2020 is withdrawn from the file of the Subordinate Court, Mettupalayam and transfer the same to the Family Court, Tiruppur. The learned Judge, Family Court, Tiruppur shall endeavor to dispose of the M.C.No.61 of 2024 before proceedings to dispose of the H.M.O.P.No.40 of 2020. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

To

- 1.The Subordinate Court, Mettupalayam.
- 2.The Family Court, Tiruppur.



WEB COPY



Tr.C.M.P.No.1280 of 2024

P.T.ASHA, J.

ep

Tr.C.M.P.No.1280 of 2024
C.M.P.No.27795 of 2024



WEB COPY



Tr.C.M.P.No.1280 of 2024

28.02.2025