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Tr.CMP.No.1324 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

Tr.CMP.No.1324 of 2024
and CMP.No.28647 of 2024

Abinayajothi

... Petitioner

Vs.

T.Vigneshkumar

... Respondent

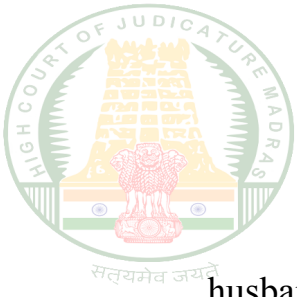
Prayer: Transfer Petition filed under Sec.24 of CPC praying to withdraw the case in H.M.O.P.No.557 of 2024 on the file of the learned Family Court, Karur and transfer the same to the learned Sub Court, Pollachi, Coimbatore District.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : No appearance

ORDER

The petitioner-wife, who is the respondent in H.M.O.P.No.557 of 2024 on the file of Family Court, Karur, has filed this transfer petition to transfer the aforesaid proceedings to the Sub Court at Pollachi, within whose jurisdiction, the petitioner is presently residing.



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2. The petitioner would submit that she had been deserted by her husband, who had not taken her back, after she had delivered her daughter Mithrasri on 02.05.2020. The respondent had demanded dowry, which the petitioner's family was not in a position to give. The petitioner would submit that her husband had issued a notice seeking re-union on 20.02.2021, but had gone back on this assurance and filed H.M.O.P.No.60/2021 for divorce on the file of Family Court, Karur. In the meanwhile, the petitioner had also initiated proceedings under the Domestic Violence Act in DVC.No.1/2021 before the Judicial Magistrate No.I, Pollachi. Thereafter, the petitioner had filed Tr.CMP.No.521 of 2022 before this Court to transfer HMOP.No.60 of 2021 pending on the file of Family Court, Karur, and by order dated 15.12.2022, the said transfer petition was ordered. Subsequent to which, the respondent-husband had withdrawn the said petition.

3. Suppressing these facts, the respondent-husband has now filed H.M.O.P.No.557 of 2024 before the Family Court, Karur for restitution of conjugal rights. Since the presence of parties are essential in a Family Court proceedings, and the petitioner who is unemployed and not being provided with any maintenance by the respondent-husband and solely dependent on



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her parents for her livelihood, faced not only physical strain but also financial strain in attending the hearings at Family Court, Karur. Further, during her travel to Karur from Pollachi, which is more than 130 kms. she requires the assistance of an attendant to take care of her child, who is now barely 5 years old. In the said circumstances, the petitioner-wife had filed the present petition seeking for transfer of HMOP.No.557 of 2024 pending on its file to Sub Court, Pollachi.

4. Heard the learned counsel for the petitioner. The respondent though served with notice, has not entered appearance either in person or through counsel.

5. Taking note of the grievances expressed by the petitioner-wife that she was made to travel 130 kms in attending the every Court hearings and that the respondent had not taken steps to maintain the petitioner and her minor child, it is clear that the petitioner, who is unemployed, has been put to considerable financial as well as physical strain. In the said circumstances, the Transfer CMP is allowed and HMOP.No.557 of 2024 pending on the file of Family Court, Karur is withdrawn from its file and



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transferred to Sub Court, Pollachi. No costs. Consequently, connected
miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

- 1.The Judge
Family Court, Karur.
- 2.The Sub Judge
Family Court, Pollachi
- 3.The Section Officer
VR Section
High Court, Madras.



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P.T. ASHA, J.

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