

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.429 of 2020

Mohana
W/o K.Rajkumar

..Petitioner

K.Rajkumar

-VS-

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.51 of 2019 pending on the file of the Sub Court, Thirumangalam, Madurai District and to transfer the same to the Principal Family Court at Chennai.

For Petitioner :: Mr.B.Manoharan

For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.Mohana, Wife of Mr.K.Rajkumar, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the H.M.O.P.No.51 of 2019 from the file of the Sub Court, Thirumangalam, Madurai District and transfer the same to the file of the Principal Family Court at Chennai.

3. Learned counsel appearing for the petitioner submitted that after the solemnization of marriage on 8.6.2011 between the couple at Vadapalani Murugan Temple, Chennai as per the Hindu rites and customs, a grand reception was also held at Gangaram Kalyana Mandapam near old Ram Theatre. Thereafter, they settled down at Chennai. Since both the petitioner and the respondent were working in the GRT Jewellers Pvt.Ltd., Chennai at the time of marriage, they were living happily and out of the wedlock, they were blessed with a male child on 7.11.2014 and he has been named as Viswanath. The respondent herein, who was working in GRT Jewellers, Chennai went to Tirunelveli and subsequently to Madurai and he is presently working in Chennai. But the

petitioner is not working and she is residing in Chennai with her child and parents. Therefore, if the matter is withdrawn from the Sub Court, Thirumangalam and transferred to the Principal Family Court, Chennai, no prejudice would be caused to anyone, as the couple are residing in Chennai.

4. Although notice has been served on the respondent, he has not chosen to appear before this Court. That shows that the respondent has no objection for allowing the transfer plea. Secondly, when the petitioner is residing in Chennai and she has also stated in paragraph-3 of the affidavit that the respondent is also working in Chennai, this Court, accepting the balance of convenience and also the reasons for transfer, hereby withdraws the H.M.O.P.No.51 of 2019 from the file of the Sub Court, Thirumangalam, Madurai District and transfers the same to the file of the Principal Family Court at Chennai. On receipt of the transferred case bundle, the learned Principal Family Court Judge, Chennai shall take up the matter and dispose of the same on merits, expeditiously. With this observation, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.9062 of 2020 is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Subordinate Judge
Thirumangalam
Madurai District
2. The Principal Family Court Judge
Chennai

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SP(09/12/2020)