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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.440 of 2021

and

C.M.P.No.11425 of 2021

[Through video conferencing]

A.R.Usharani

...Petitioner/Respondent

-vs-

A.R.Ramesh Babu

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the above case in H.M.O.P.No.464 of 2021 pending on the file of the Family Court, Madurai, Madurai District and transfer the same to the file of the Family Court at Chennai, Chennai District.

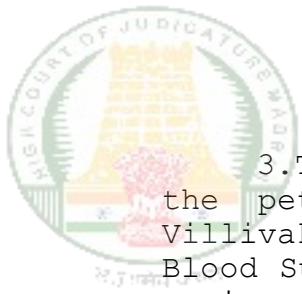
For Petitioner : Mr.B.Gandhi

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the above case in H.M.O.P.No.464 of 2021 pending on the file of the Family Court, Madurai, Madurai District and transfer the same to the file of the Family Court at Chennai, Chennai District.

2.The respondent/husband has filed H.M.O.P.No.464 of 2021 before the Family Court at Madurai, Madurai District for divorce. The petitioner/wife has filed a case in D.V.C.No.107 of 2017 before the Mahila Court (Magistrate Level) at Egmore, Chennai and the same was compromised before the Lok Adalat and thereafter filed Crl.M.P.No.268 of 2019 before the Mahila Court (Magistrate Level) at Egmore, Chennai.



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3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents home at Villivakkam, Chennai. Her mother was affected with high level Blood Sugar and several health complications and her father is a senior citizen. The distance between Chennai to Madurai is around 450 Kms. Moreover, she has no source of income and she is facing serious physical and financial problem, she finds it difficult to travel alone from Chennai to Madurai for attending the Court on every hearings in H.M.O.P.No.464 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case from the Family Court, Madurai, Madurai District to the Family Court, Chennai, Chennai District.

4.There is no representation on behalf of the respondent either in person or his counsel.

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

6.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the Family Court at Chennai.

7.Accordingly, H.M.O.P.No.464 of 2021 is withdrawn from the file of the Family Court at Madurai, Madurai District and transfer the same to the file of the Family Court at Chennai, Chennai District. The learned Family Court, Madurai is directed to transmit the papers to the file of the Family Court at Chennai. The learned Family Judge, Family Court, Chennai is directed to dispose of the case in H.M.O.P.No.464 of 2021 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Judge,
The Family Court,
Madurai.



2. The Judge,
The Family Court,
Chennai.

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+1 CC to Mr.B.Gandhi, Advocate, Sr.No. 43466.

Tr.C.M.P.No.440 of 2021
and C.M.P.No.11425 of 2021

NR(CO)
LS(21/09/2021)