



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.280 of 2020
and
C.M.P. (MD) No.6267 of 2020

Ramprasath ... Petitioner/Respondent
-vs-

Nithya ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.83 of 2020 before the Principal Sub Judge, Chengalpattu and to transfer the same to the file of the Family Court, Madurai.

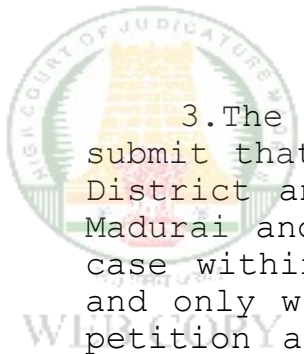
For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.P.Balamurugan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.83 of 2020 before the Principal Sub Judge, Chengalpattu and to transfer the same to the file of the Family Court, Madurai.

2.The learned counsel for the petitioner would submit that the petitioner/husband has filed H.M.O.P.No.321 of 2016 before the Family Court, Madurai for restitution of conjugal rights and also filed GWOP.No.15 of 2018 seeking the relief to take custody of his daughter with him and the same is pending. The respondent/wife has filed H.M.O.P.No.83 of 2020 before the Principal Subordinate Court, Chengalpattu, for dissolution of marriage and also filed M.C.No.29 of 2016 for maintenance and it was dismissed for non-prosecution. However, the petitioner has paid the maintenance amount. The petitioner has also filed HCP(MD).No.182 of 2018 to permit him to see his daughter, in which, the Mediation was taken place where the respondent has refused to live with the petitioner.



3.The learned counsel for the petitioner/husband would further submit that the respondent/wife is the ordinary resident of Madurai District and she is residing along with her parents' own house in Madurai and no cause of action is arisen to sustain the aforesaid case within the jurisdiction of Chengalpattu at any point of time and only with an intention to harass, the respondent has filed the petition at Chengalpattu and therefore, he prays to transfer the case in H.M.O.P.No.83 of 2020 to the file of Family Court, Madurai and the same may be clubbed along with H.M.O.P.No.321 of 2016 for disposal as per law.

4. The learned counsel for the respondent/wife has submitted that from the year 2016 itself, the respondent is residing at Kelambakkam in Kanchipuram District and she has a female child aged about 5 years. The respondent's Aadhar Card also shown her current address of Kelambakkam and the respondent entered a lease agreement on 18.07.2019 with one Meena Harinarayanan and the same is also shown her current residential address. Moreover, the petitioner/husband is working as Home Manager at Cognizant Company in Chennai for the past 14 years. In such situation, it is difficult for the respondent to attend the Court hearing at Madurai. Therefore, he prays to transfer all the cases to the file of Principal Subordinate Court, Chengalpattu in order to avoid multiplicity of proceedings.

5. Considering the facts and circumstances of the case and considering the submissions made by both counsel and the fact that the lease agreement and Aadhar Card are shown that the respondent is residing at Kelambakkam in Chennai and also the petitioner is presently working in Chennai, this Court is not inclined to transfer H.M.O.P.No.83 of 2020 pending on the file of Principal Subordinate Court, Chengalpattu to the file of Family Court, Madurai.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Principal Subordinate Judge, Chengalpattu

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Judge, Family court, Madurai

+1 CC to MR.P.BALAMURUGAN, Advocate (SR-23361[F] dated 20/07/2021)

+1 CC to MR.C.M.ARUMUGAM, Advocate (SR-23399[F] dated 22/07/2021)

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and

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Dated:

20.07.2021

MGJ (30.07.2021) 3P 5C