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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.261 of 2022
and
C.M.P.No.5163 of 2022

G.Sharon Priyanka

... Petitioner/Respondent.

Vs

C.Joel

... Respondent/Petitioner.

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in FCOP No.2129 of 2021 pending on the file of the Family Court at Chennai and transfer the same in the Sub Court at Hosur.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.K.R.Samratt

ORDER

The respondent/wife in a petition for divorce filed by the husband on the file of the Family Court, Chennai in F.C.O.P. No.2129 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the same from the file of the Family Court, Chennai and transfer the same to the file of the Family Court at Hosur. Admittedly, the petitioner is residing at Bangalore. Since the petitioner is not residing within the jurisdiction of the Subordinate Court at Hosur, where she seeks to transfer the above FCOP No.2129 of 2021, in these circumstance, the request for transfer cannot be granted to a Court which does not have the jurisdiction.

2. However, taking into account the fact that since she is living at Bangalore and the proceedings are now pending before the Family Court, Chennai, her presence shall be dispensed with for every hearing except for counselling sessions and for adducing evidences.



3. With the above directions, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge, the Family Court, Chennai

2.The Judge, the Family Court at Hosur.

+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.29282

+1cc to Mr.K.R.Samratt, Advocate, S.R.No.28279

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VG-II(CO)
CT 26/05/2022