



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P. No.482 of 2021
and
C.M.P.No.12772 of 2021

K.Aiswarya Lakshme

... Petitioner

-Vs-

P.Ramesh Babu (A) Prakasam

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw F.C.O.P.No.183 of 2021, on the file of Family Court, Vellore and transfer the same to the file of the IV Additional Family Court, Chennai tried along with H.M.O.P.No.2844 of 2021 on the file of the IV Additional Family Court, Chennai.

For Petitioner : M/S.D.Senthilkumaar
For Respondent : No Appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of F.C.O.P.No.183 of 2021 filed by the husband for restitution of conjugal rights before Family Court, Vellore, to the file of the IV Additional Family Court, Chennai, to be tried along with H.M.O.P.No.2844 of 2021.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 12.03.2020 at Arulmigu Varadaraja Perumal Thirukoil, Vellore, as per Hindu rites and customs. After the marriage, the petitioner was studying her final year B.Ed., in Loyola College, Chennai and the respondent was working as a Lab Technician in CMC, Vellore. The petitioner stayed along with her mother to continue her studies. Thereafter, the respondent started his cruelty against the petitioner. Hence, the petitioner filed H.M.O.P.No.2844 of 2021 on the file of the IV Additional Family Court, Chennai, for divorce on the ground of cruelty. The respondent filed F.C.O.P.No.183 of 2021 for restitution of conjugal rights.



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3.The grounds on which the transfer is sought for are as follows:

1.The petitioner is residing at Chennai with her aged mother.

2.The distance between Vellore and Chennai is considerably far and she cannot travel each time to attend the hearings.

4.The respondent/husband though served has not entered appearance either in person or through pleader.

5.Heard the learned counsel appearing for the Petitioner and perused the papers.

Considering the fact that the petitioner is residing with her mother at Chennai and she is depending on her mother for her day to day expenses having no source of income to travel to Vellore for conducting the case, this Transfer Civil Miscellaneous Petition is allowed. F.C.O.P.No.183 of 2021 pending on the file of the on the file of Family Court, Vellore, is withdrawn and transferred to the file of the IV Additional Family Court, Chennai to be tried along with H.M.O.P.No.2844 of 2021. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Family Court,
Vellore.

2. The IV Additional Family Court,
Chennai.

+1cc to M/S.D.Senthilkumaar, Advocate, S.R.No.24848

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PMK(CO)
CT 14/06/2022