



Transfer C.M.P.No.677 of 2021  
and C.M.P.No.16977 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Tr.C.M.P.No.677 of 2021

and

C.M.P.No.16977 of 2021

S.Suganya

...Petitioner

Vs.

R.Senthamil Murugan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of the CPC to withdraw HMOP No.272 of 2019 pending on the file of Family Court, Chengalpattu and transfer the same to the file of the Family Court, Nagapattinam.

For Petitioner : Mr.K.Balu

For Respondent : Mr.B.A.Chandrasekar

### **ORDER**

The present petition is filed seeking to withdraw HMOP No.272 of 2019 pending on the file of Family Court, Chengalpattu and transfer the same to the file of Family Court, Nagapattinam.

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2.The present petitioner is the respondent in H.M.O.P. No.272 of 2019 on the file of the Family Court, Chengalpet. The respondent/husband filed the H.M.O.P. under Section 13 (1) (i-a) of the Hindu Marriage Act 1955 seeking for dissolution of marriage that was solemnised between the petitioner and the respondent on 25.01.2013.

3.The petitioner/wife in her affidavit had contended that since the respondent/husband is having an illegal affair with another lady and is living in a separate home, she was forced to leave the matrimonial house and is presently residing at Flat No.F1, Plot No.13, Kumaran Apartments, Jayam Avenue, Mannivakkam, Chennai. It is also contended that her parents are residing at Tharangambadi Taluk, Nagapattinam and she has taken her children over there since the schools were closed on account of COVID-19 pandemic. According to her she is unable to travel down to Chengalpet, which is 260 Kms from Nagapattinam, and therefore she prayed for transfer of H.M.O.P. No.272 of 2019 from the file of the Family Court, Chengalpet to the file of the Family Court at Nagapattinam.



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4.It is pertinent to point out that the schools are now reopened and admittedly the petitioner's children are studying in a school near Tambaram.

5.Heard Mr.K.Balu, learned counsel appearing for the revision petitioner and Mr.B.A.Chandrasekar, learned counsel appearing for the respondent.

6.The learned counsel for the petitioner contended that the petitioner does not want to continue the studies of her children at Tambaram and wants to proceed to Nagapattinam, where her parents are residing.

7.Per contra Mr.B.A.Chandrasekar, learned counsel for the respondent/husband contended that he has been paying school fees and rent for the house where the petitioner/wife is residing with her children and that the reasons stated by the petitioner for getting the transfer of H.M.O.P. No.272 of 2019 to Nagapattinam are not bona fide.



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8.The main contention of the petitioner is that since the schools were closed on account of COVID 19 pandemic she was staying with her parents at Nagapattinam. She, therefore, filed the present Petition for transferring H.M.O.P. No.272 of 2019 from the file of Family Court, Chengalpet to the file of Nagapattinam. Now the schools are reopened and the present petition has become infructuous.

9.In the result, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently connected miscellaneous petition is dismissed.

**18.10.2022**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non-Speaking order  
bga



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**R. HEMALATHA, J.**  
bga

To

- 1.The Judge, Family Court, Chengalpattu.
- 2.The Section Officer, VR Section, High Court, Madras.

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