



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr. CMP.No.771 of 2021
and
CMP.Nos.18170 & 20899 of 2021

V.Jyothi Kumar

..Petitioner

Vs.

M.Pavithra

..Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, seeking to withdraw the case in HMOP.No.1421 of 2020 on the file of V Additional Family Court, Chennai and transfer to the Family Court, Thiruvallur.

For Petitioner : Mr.C.Chokkalingam

For Respondent : Ms.R.Reka

O R D E R

The husband seeks transfer of HMOP No.1421 of 2020 on the file of the V Additional Family Court, Chennai to the Family Court, Thiruvallur or any other Court.

2. It is seen from the records that the husband is the resident of Renigunta in Andhra Pradesh and the wife is the resident of Arakonam in Ranipet District. The wife has chosen to invoke the jurisdiction of the Family Court on the ground that place of last residence was at Villivakkam, Chennai, within the jurisdiction of the Family Court at Chennai. The marriage has taken place at Arakonam. Interim maintenance has been ordered by the Family Court. It is the contention of the wife that the husband is seeking transfer only for the purpose of evading payment of interim maintenance and she has filed an Execution Petition before the V Additional Family Court for execution of the order of interim maintenance.



3. The husband would seek transfer mainly on the ground of convenience and claiming that certain untoward incidents happened in the Family Court when he appeared before the Family Court. Without going into all those questions, since both the parties are residing outside the jurisdiction of the Family Court, Chennai, I am of the opinion, that the proceedings could be transferred to the Sub Court at Poonamallee for disposal.

4. In the light of the above, this transfer civil miscellaneous petition is allowed. The Execution Petition filed by the wife in EP No.68 of 2021 on the file of the V Additional Family Court, Chennai, will also stand transferred to Sub Court, at Poonamallee along with HMOP No.1421 of 2020. The Subordinate Court, Poonamallee is directed to dispose of the Execution Petition within the period of three months from the date of the receipt of the records from the transferor Court. Consequently the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

jv

To:-

1. The V Additional Judge,
Family Court, Chennai
2. The Sub Court,
Poonamallee.

+1cc to Mr.C.Chokkalingam, Advocate, S.R.No.1154
+1cc to Ms.R.Reka, Advocate, S.R.No.1208

Tr. CMP.No.771 of 2021
and
CMP.Nos.18170 & 20899 of 2021

AD[co]
NSK 21/01/2022