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Tr.C.M.P.No.736 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Tr.C.M.P.No.736 of 2021
and C.M.P.No.17826 of 2021

D.Shanthakumari ... Petitioner

Versus

S.Magesh Kumar ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.256 of 2021 pending on the file of the Sub-Court, Kancheepuram, Kancheepuram District and transfer the same to the IV Additional Family Court, Chennai.

For Petitioner : M/s.E.Angayarkanni
For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.256 of 2021 pending on the file of the Sub-Court, Kancheepuram, Kancheepuram District and transfer the same to the IV Additional Family Court, Chennai.



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2.The respondent/husband has filed H.M.O.P.No.256 of 2021 before the

Sub-Court, Kancheepuram, Kancheepuram District, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at Chennai. Moreover, she is depending on her aged parents and the petitioner being a lady, it is very difficult for her to travel from Chennai to Kancheepuram for attending the Court on every hearing. Therefore, she seeks to transfer the case from Kancheepuram to Chennai.

4.Heard the learned counsel for the petitioner. Despite sufficient opportunity given to the respondent, there was no representation even today there is no representation on behalf of the respondent. Hence, this Court is inclined to pass orders on merits.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the IV Additional Family Court, Chennai.



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6. Accordingly, H.M.O.P.No.256 of 2021 is withdrawn from the file of the Sub-Court, Kancheepuram, Kancheepuram District and transferred to the file of the IV Additional Family Court, Chennai, for disposal as per law. The Sub-Court, Kancheepuram, Kancheepuram District, is directed to transmit the papers to the file of the IV Additional Family Court, Chennai within a period of six weeks from the date of receipt of a copy of this order. The learned Judge, IV Additional Family Court, Chennai is directed to dispose of the case in H.M.O.P.No.256 of 2021 on merits and in accordance with law as expeditiously as possible.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

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04.07.2022

Internet : Yes / No
Index : Yes / No

To:

1. The Judge, Sub-Court, Kancheepuram, Kancheepuram District.
2. The Judge, IV Additional Family Court, Chennai.

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S.KANNAMMAL, J.,

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