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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE **MR.JUSTICE S.SOUNTHAR**

Tr.C.M.P.No.821 of 2022
and
C.M.P.No.14263 of 2022

Harini Sankar

... Petitioner

Vs

V.Manikandan

... Respondent

Prayer: Transfer Petition has been filed under Section 24 of Code of Civil Procedure, to withdraw the case in I.A.No.01 of 2022 along with H.M.O.P.SR.No.3170 of 2022 pending on the file of the learned Subordinate Court, Alandur, and transfer the same to the file of the learned Family Court, Chennai.

For Petitioner

: Mr.T.K.S.Gandhi

For Respondent

: Mr.K.Sumathi



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ORDER

This transfer petition is filed seeking transfer of the original petition filed for divorce, by respondent/husband in H.M.O.P.SR.No.3170 of 2022, along with I.A.No.1 of 2022, from the file of Subordinate Court, Alandur, to the file of Family Court, Chennai.

2. According to the petitioner, now she is residing at Arumbakkam and she has expressed difficulty in travelling to Alandur to attend the hearings.

3. The respondent filed a counter denying the averment in the affidavit filed in support of the transfer application that the petitioner was living at Arumbakkam. The respondent has specifically averred that the petitioner herein is residing at No.20, Iyyappa Nagar, Avadi, Chennai – 21. A copy of the Aadhar card is also produced by the petitioner in the typed set of papers. The address of the petitioner is mentioned Kamaraj Nagar, Avadi. The petitioner has also produced acknowledgement issued by Unique Identification Authority of India dated 22.08.2022 seeking change of



address mentioning the Arumbakkam address. The learned counsel also produced an unregistered tenancy agreement between her and one Kanagasubramani dated 18.08.2011, in support of the contention that presently, the petitioner is residing at Arumbakkam.

4. As per the Aadhard card produced by the petitioner, her address is mentioned as Avadi. It appears just two days prior to the filing of this petition, the petitioner made an application to the Unique Identification Authority of India to change her address to Arumbakkam. The unregistered tenancy agreement filed by the petitioner is also dated 08.08.2021, which appear to be prepared to file this transfer petition. It is an admitted case that Avadi is coming within the jurisdiction of Subordinate Court, Poonamallee. Now, the petitioner submits she is residing at Arumbakkam, within the territorial limits of Family Court, Chennai. Therefore, the petition pending before Sub-Court, Alandur needs to be transfered to the Family Court, Chennai.

5. Considering the averment of the petitioner that she is now residing at Arumbakkam, which lying in between Subordinate Court, Poonamallee



and Family Court, Chennai, taking into consideration the address of the petitioner mentioned in original Aadhar Card, this Court is inclined to transfer the petition filed by the respondent pending before the Subordinate Court, Alandur to the Subordinate Court, Poondamallee for consideration.

6. In view of the above directions, this transfer petition stands allowed. The H.M.O.P.SR.No.3170 of 2022 along with I.A.No.1 of 2022 pending on the file of Sub Court, Alandur is withdrawn and transferred to Sub Court, Poondamallee. No costs. Consequently, connected miscellaneous petition is also closed.

08.11.2022

Index: Yes/ No
Internet : Yes/No
kmm

To

1. The Subordinate Judge
Alandur.
2. The Subordinate Judge
Poonamallee.



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S.SOUNTHAR,J.

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