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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.823 of 2021
and
C.M.P.No.19059 of 2021

M. Renuka Devi ... Petitioner/Respondent
-Vs-
K. Saravanan ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.112 of 2021 on the file of the learned Subordinate Judge, Tambaram and transfer the same to the file of the learned VI Additional Family Court, Chennai.

For Petitioner : Mr.S.R.Karthikeyan
For Respondent : Mr.S.Vijay Anand

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the wife seeking transfer of H.M.O.P.No.112 of 2021 pending on the file of the Subordinate Judge, Tambaram, to the file of the learned VI Additional Family Court, Chennai.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 07.06.2019 at Kundrathur Murugan Temple as per Hindu rites and customs. Out the wedlock, they had one male child by name S.Deepak born on 15.02.2020. After birth of their child, the respondent's family informed the petitioner that due to the horoscope of the child, the respondent should keep away from the child for some time. Thereafter, the respondent filed H.M.O.P.No.112 of 2021 before the Sub Court, Tambaram for divorce. On considering the future life of the child, the petitioner filed O.P.No.4571 of 2021 on the file of the VI Additional Family Court, Chennai, for restitution of conjugal rights.

3.The reasons for seeking the transfer are as follows:

"1.The petitioner is staying with her parents in Ayanavaram, Chennai and she has two year old child to



take care. The respondent husband has never cared to support his wife and the child.

2.The petitioner is residing under the territorial jurisdiction of the Family Court, Chennai.”

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4.The learned counsel for the respondent would submit that it is difficult to bring the child to the Family Court along with the petitioner and therefore, the respondent seeks transfer the matrimonial proceedings to any other Court at Alandur or Poonamallee.

5.Heard the learned counsels appearing on either side and perused the papers.

6.Considering the fact that sufficient reasons have been given and the petitioner/wife is residing within the Jurisdiction of the Family Court, Chennai, the Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.112 of 2021 pending on the file of the Subordinate Court, Tambaram is withdrawn and transferred to the file of the VI Additional Family Court, Chennai. The learned VI Additional Family Court, Chennai, shall take both HMOPs only after the disposal of M.C.No.438 of 2021. Consequently, connected Civil Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Subordinate Judge,
Tambaram.

2. The VI Additional Family Court,
Chennai.

+1cc to Mr.S.R.Karthikeyan, Advocate, S.R.No.17562

+2ccs to Mr.S.Vijay Anand, Advocate, S.R.No.17566

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and

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NSK 22/04/2022