



Tr.CMP No.952 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.952 of 2022

and

C.M.P.No.16393 of 2022

Mrs.J.Sujitha

.. Petitioner

VS.

Dr.M.Nishanth

.. Respondent

Tr.CMP 952 of 2022 is filed under Section 24 of the Civil Procedure Code, to withdraw the case in FCIDOP No.245 of 2022 from the file of the Family Court at Chengalpattu and transfer the same to the file of the District Court at Tiruvannamalai.

For Petitioner in : Mr.B.Gopalakrishnan for
Mr.D.A.Sugumar



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For Respondent in : Mr.T.Arockia Dass for
M/s.Dass and Viswa Associates.

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in FCIDOP No.245 of 2022 from the file of the Family Court at Chengalpattu and transfer the same to the file of the District Court at Tiruvannamalai.

2. The marriage between the petitioner and the respondent was solemnised on 28.08.2020 as per Christian Rites and Customs. Due to misunderstanding, both the petitioner and the respondent are living separately.

3. Both the petitioner as well as the respondent are the medical practitioners. From and out of the wedlock between the petitioner and the respondent, a female child was born.



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4. The learned counsel for the petitioner states that the petitioner-wife and her minor female child are living with her parents at Tiruvannamalai and she has to take care of her minor female child. Thus she is not in a position to travel all along from Tiruvannamalai to Chengalpattu.

5. The learned counsel for the respondent raised an objection by stating that the petitioner-wife is also a medical practitioner and therefore it will not cause any inconvenience for her to contest the case in FCIDOP No.245 of 2022 filed by the respondent-husband before Family Court at Chengalpattu.

6. Considering the facts and circumstances, the place of petitioner-wife is preferable and hence transfer of the case to the file of the Family Court at Tiruvannamalai is for the convenience of the petitioner to contest the case in FCIDOP No.245 of 2022 pending on the file of the Family Court at Chengalpattu. Thus, this Court is inclined to consider the



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case of the petitioner. Accordingly, FCIDOP No.245 of 2022 pending on the file of the Family Court at Chengalpattu stands transferred to the file of the Family Court at Tiruvannmalai forthwith to be tried along with MC No.11 of 2022 filed by the respondent-husband before the Judicial Magistrate Court at Arani. The Family Court at Chengalpattu and the Judicial Magistrate Court at Arani are directed to transmit the case papers to the Family Court at Tiruvannamalai, within a period of four weeks from the date of receipt of a copy of this order to be tried along with FCIDOP No.245 of 2022.

7. Accordingly, the present Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

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- To
- 1.The District Judge,
District Court,
Tiruvannamalai.
 - 2.The Judge,
Family Court,
Chengalpattu.
 - 3.The Judicial Magistrate,
Judicial Magistrate Court,
Arani.
 - 4.The Judge,
Family Court,
Tiruvannamalai.



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S.M.SUBRAMANIAM, J.

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