



WEB COPY



Tr.CMP No.1022 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.1022 of 2022

and

C.M.P.No.17599 of 2022

Dr.M.Nishanth

.. Petitioner

vs.

1.Dr.J.Sujitha

2.Minor Roshitha Katherine

D/o.M.Nishanth

(R-2 represented by R-1 mother)

.. Respondents

Tr.CMP 1022 of 2022 is filed under Section 24 of the Civil Procedure Code, to withdraw the case in MC No.11 of 2022 from the file of the Judicial Magistrate Court at Arani and transfer the same to the file of the Family Court at Chengalpattu to try along with divorce petition in FCIDOP No.245 of 2022.

1 / 6



WEB COPY



Tr.CMP No.1022 of 2022

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

For Respondents : Mr.B.Gopalakrishnan for
Mr.D.A.Sugumar

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in MC No.11 of 2022 from the file of the Judicial Magistrate Court at Arani and transfer the same to the file of the Family Court at Chengalpattu to try along with divorce petition in FCIDOP No.245 of 2022.

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



Tr.CMP No.1022 of 2022

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

4. The learned counsel for the petitioner states that the first respondent-wife is also a medical practitioner and therefore it will not cause any inconvenience for her to contest the divorce case filed by the petitioner-husband before Family Court at Chengalpattu.

5. The learned counsel for the respondents states that the first respondent-wife and her minor female child are living with her parents at Tiruvannamalai and she has to take care of her minor female child.

6. Considering the facts and circumstances, both the first respondent-wife and her second respondent-minor female child are living with her parents at Tiruvannamalai. As the place of first respondent-wife is preferable, it would be much convenient to transfer FCIDOP No.245 of



Tr.CMP No.1022 of 2022

2022 pending on the file of the Family Court at Chengalpattu and MC No.11 of 2022 pending on the file of the Judicial Magistrate Court at Arani to the file of the Family Court at Tiruvannamalai mainly for the convenience of the respondent-wife to contest the both the cases.

7. Accordingly, the case in FCIDOP No.245 of 2022 pending on the file of the Family Court at Chengalpattu and the case in MC No.11 of 2022 pending on the file of the Judicial Magistrate Court at Arani are transferred to the file of the Family Court at Tiruvannamalai. The Family Court at Chengalpattu and the Judicial Magistrate Court at Arani are directed to transfer the case papers to the file of the Family Court at Tiruvannamalai within a period of four weeks from the date of receipt of a copy of this order. Thus, this Court is not inclined to consider the case of the petitioner.

8. With the abovesaid directions, the present Transfer Civil Miscellaneous Petition stands dismissed. However, there shall be no order as



Tr.CMP No.1022 of 2022

to costs. Consequently, the connected miscellaneous petition is also dismissed.

19-12-2022

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Svn

To

1.The District Judge,
District Court,
Tiruvannamalai.

2.The Judge,
Family Court,
Chengalpattu.

2.The Judicial Magistrate,
Judicial Magistrate Court,
Arani.

S.M.SUBRAMANIAM, J.

5/6



WEB COPY



Tr.CMP No.1022 of 2022

Svn

Tr.CMP 1022 of 2022

19-12-2022