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Tr.CMP No.52 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.52 of 2023

and

C.M.P.No.1431 of 2023

Dr.R.Vishnupiriya

.... Petitioner

-Vs-

Dr.B.Naresh

.... Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 read with Section 151 of Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.395 of 2022 pending on the file of the Family Court, Cuddalore and transfer the same to the file of the Family Court, Virudhunagar District, Srivilliputtur.

For Petitioner : Mr.A.Sivaji

For Respondent : Mr.M.L.Ramesh

ORDER

The petitioner has prayed to withdraw the HMOP.No.395 of 2022, which is pending on the file of the Family Court, Cuddalore and transfer the same to the file of the Family Court, Virudhunagar District, Srivilliputtur and stay all further proceedings until disposal of the above



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2. The learned counsel for the petitioner submitted that the marriage was solemnized between the petitioner and the respondent on 27.08.2015 at Diwan Bahadur Subbarayalu Reddiar Marriage Hall, Cuddalore as per Hindu Custom. Out of their wedlock they got two male child. Due to misunderstanding in their matrimonial life, the respondent filed HMOP.No.395 of 2022, before the learned Family Judge, Cuddalore, under Section 13(1)(ia) of the Hindu Marriage Act. Now the petitioner living in her parental home and it is very difficult to travel nearly 550 kms with two child. Hence, he seeks to transfer the HMOP.No.395 of 2022 to the file of the Family Court, Virudhunagar District, Srivilliputtur.

3. When the matter was taken up, the learned counsel for the respondent submitted that he has no objection to transfer the case. However, he request the Court to transfer the matter to the Sub-Court, Kovilpatti immediately.

4. On considering both side submissions and on a perusal of the



records, it reveals that the petitioner is difficult to travel nearly 550 kms along with her children, and hence, the reason seeking for transfer is justifiable and object of the Family Court Act acts only for a amicable solutions to the parties, not to harass them.

5. In view of the above, H.M.O.P.No.395 of 2022, is withdrawn on the file of the Family Court, Cuddalore and transferred to the file of the Sub-Court, Kovilpatti, which is to be disposed of in accordance with law after giving due notice to both parties and the learned Family Judge, Cuddalore is directed to send the entire records to the learned Sub-Judge, Kovilpatti, within a period of two weeks from the date of receipt of copy of this order.

6. Accordingly, this Tr.C.M.P.No.52 of 2023 is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.04.2023

Index : Yes/No
Internet : Yes/No
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T.V.THAMILSELVI, J.

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To

1.The Family Judge,
Cuddalore.

2.The Sub-Judge,
Kovilpatti.

TR.CMP No.52 of 2023
and
C.M.P.No.1431 of 2023

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