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Tr.C.M.P.No.170 of 2023
and CMP.No.3825 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.170 of 2023

and

CMP.No.3825 of 2023

K.Muthumari

... Petitioner

Vs.

K.Marimuthumumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 456 of 2018 pending on the file of the Subordinate Court, Tambaram and transfer the same to the file of the Family Court, Chennai.

For Petitioner

: Mrs. S. Thamizharasi



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.456 of 2018 pending on the file of the Subordinate Court, Tambaram to the Family Court, Chennai. The petitioner /wife seeks transfer of the proceedings before the Family Court, Chennai on the ground that she is living at Madhavaram in her parental home and she is physically challenged person and she is not able to attend the Court hearings by travelling 3 hrs from Madhavaram to Tambaram.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 27.11.2016 at Vadapalani Murugan Temple, Vadapalani, Chennai as per Hindu rites and customs. Due to misunderstanding the respondent had filed a divorce petition in HMOP.No.456 of 2018 before the learned Subordinate Judge, Tambaram to dissolve the marriage. Now the petitioner is residing at Madhavaram and working as a Teacher at Government School and she is



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not able to attend the Court hearings by travelling 30 kms from Madhavaram to Tambaram. Hence, she prays to transfer the HMOP.No.456 of 2018 to the Family Court, Chennai.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.456 of 2018 to the Family Court, Chennai.

4. In view of the above, H.M.O.P.No. 456 of 2018 is withdrawn from the file of the Subordinate Court, Tambaram and transferred to the file of Family Court, Chennai. The learned Subordinate Judge, Tambaram is directed to send entire records to the learned Family Judge, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

6. However, the Family Judge, Chennai is directed to issue notice to



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the respondent and dispose of the case as early as possible, preferably

T.V.THAMILSELVI, J.

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within a period of three months from the date of receipt of a copy of this
order.

02.11.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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To

1. The Subordinate Judge, Tambaram.

2.The Family Judge, Chennai.

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and

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