



Tr.CMP No.232 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.232 of 2023

and

C.M.P.No.5146 of 2023

S.Hema

.... Petitioner

-Vs-

P.Ponnivalavan

.... Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the case in H.M.O.P.No.5920 of 2022 pending on the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Vellore, Vellore District.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.K.Azhaguraman

ORDER

The petitioner has prayed to withdraw the case in H.M.O.P.No.5920 of 2022 on the file of the III Additional Family Court ,



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Chennai and transfer the same to the Family Court, Vellore, Vellore District along with F.C.M.C.02 of 2023.

2. The petitioner got married on 30.08.2020, which was solemnized at S.P.P.Garden, Madhuravayi. Out of their wedlock, a female child was born on 29.07.2021, namely Sharvika, now aged about 1 1/2 years. The petitioner filed a petition for maintenance before the learned Family Judge, Vellore, in F.C.M.C.No.02 of 2023. With regard to the same, notice has been served on 13.09.2022. The respondent also issued a reply notice on 26.09.2022. Thereafter, he filed a petition for Restitution of Conjugal Rights in H.M.O.P.No.5920 of 2022 under Section 9 of the Hindu Marriage Act, before the learned III Additional Family Judge, Chennai. On receipt of the summons, they appeared before the Court on 22.02.2023 and the case was referred for mediation.

3. The learned counsel for the petitioner submits that, the petitioner is residing with her daughter in her parental home, at Vellore. It is more difficult to travel nearly 150 kms along with her minor daughter. Hence, he seeks to transfer the case from Chennai to Vellore.



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4. The learned counsel for the respondent submits that he is working as Senior Analyst in FORD Car Company. He also raised an objection to transfer the petition.

5. On considering both side submissions and on a perusal of the records, it reveals that the petitioner is difficult to travel nearly 150 kms along with her child, and hence, the reason seeking for transfer is justifiable.

6. In view of the above, H.M.O.P.No.5920 of 2022, is withdrawn on the file of the III Additional Family Court, Chennai and transferred to the file of the learned Family Judge, Vellore, Vellore District, which is to be disposed of in accordance with law and the learned III Additional Family Judge, Chennai is directed to send the entire records to the learned Family Judge, Vellore, Vellore District, within a period of two weeks from the date of receipt of copy of this order.



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7. Accordingly, this Tr.C.M.P.No.232 of 2023 is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The III Additional Family Judge,
Chennai.
- 2.The Family Court,
Vellore, Vellore District.



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T.V.THAMILSELVI, J.

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