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Tr.CMP.No 461 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 461 of 2023

and

C.M.P. No. 10536 of 2023

Kayalvili

.. Petitioner

Versus

R.Jagan Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P. No. 698 of 2022 from the file of the Additional Family Court, Coimbatore, and to transfer the same to the file of the Family Court, Chengalpattu.

For Petitioner	: Mr.S. Gajapathi Krishnan
For Respondent	: Mr.Gowtham Thilak V.B. For Mr.K. Sharath Chandran

ORDER

This Transfer Civil Miscellaneous petition is filed to withdraw H.M.O.P. No. 698 of 2022 pending on the file of the Additional Family Court, Coimbatore, and transfer the same to the file of the Sub Court, Alandur, Chengalpattu District.



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2. The case of the petitioner is that the marriage was solemnized between the petitioner/wife and the respondent/husband on 04.12.2016 as per the Hindu Marriage Act, 1955. Out of their wedlock, they got a female child. Thereafter, the respondent has developed an illegal intimacy with one Camline Johanna Jaikumar who is working with her husband office. After desertion of her husband, she and her daughter living along with her mother at Chennai. At this juncture, the respondent filed a petition H.M.O.P. No. 698 of 2022 before the Additional Family Court, Coimbatore. The petitioner is working as a Software Engineer in Chennai and having a child aged about 3 years, whereas, the respondent who was working in Abroad, is now staying at Coimbatore. Since the parents of the petitioner are aged persons and they are not in a position to render any assistance to the petitioner to conduct the case. Therefore, the petitioner has come forward with the present petition under Section 24 of CPC.

3. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Since the respondent did not appear or file any counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of submission of



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the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, H.M.O.P. No. 698 of 2022 pending on the file of Additional Family Court, Coimbatore, is hereby withdrawn and transferred to the file of the Sub Court, Alandur, Chengalpattu District.

4. Accordingly, the Transfer Civil Miscellaneous petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.08.2023

Index:Yes/No

Speaking order / Non speaking order

MSM

To

1. The Additional Family Court, Coimbatore.
2. The Sub Court, Alandur.



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V. BHAVANI SUBBAROYAN, J

MSM

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