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Tr.C.M.P.No.544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**Tr.C.M.P.No.544 of 2023 &
C.M.P.No.12875 of 2023**

S.Uma Mageswari

... Petitioner

Vs.

K.Rajeshkumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the G.W.O.P.No.37 of 2023 pending on the file of the learned Principal District and Sessions Judge, Thiruvallur to the IV Additional Principal Family Court, Chennai to be tried along with FCOP No.4003/2022 pending on the file of IV Additional Principal Family Court, Chennai.

For Petitioner : Mr.Bala Natarajan

For Respondent : Mr.A.Aravindan for
M/s Arulselvam Associates

ORDER

The present petition has been filed to withdraw and transfer the G.W.O.P.No.37 of 2023 pending on the file of the learned Principal District and Sessions Judge, Thiruvallur to the IV Additional Principal Family Court, Chennai to be tried along with FCOP No.4003/2022 pending on the file of



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IV Additional Principal Family Court, Chennai.

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2. According to the petitioner, she is the wife and the respondent is the husband and their marriage was solemnised as per Hindu Rites and Customs on 04.09.2014 at Saligramam, Chennai. Out of the wedlock, they are blessed with a baby boy. Thereafter, the petitioner and the respondent were residing at London, U.K. On account of a matrimonial dispute, they are living separately. Initially, the respondent / husband has filed H.M.O.P.No.4003 of 2022 for restitution of conjugal rights before the Family Court, Chennai. Thereafter, the respondent has also filed a petition G.W.O.P.No.37 of 2023 to appoint and declare the respondent as legal guardian with permanent custodian and to direct the petitioner to handover the custody of the said minor child before the Principal District and Sessions Court, Thiruvallur. Now, as the petitioner is finding it difficult to attend the court hearings at Chennai and Tiruvallur, the petitioner has come up with this petition.

3. The learned counsel for the petitioner would submit that as of now, the petitioner is taking care of her son right from the child birth and the petitioner is also working at Chennai, therefore, she finds much difficult to travel to Chennai and Tiruvallur. Further, the respondent is working at London and representing through Power of Attorney, therefore, the



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respondent may not be aware of the sufferings being undergone by the petitioner, therefore, seeks to allow the present petition.

4. On the other hand, the learned counsel for the respondent fairly submits that he has no objection for allowing the petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. Considering the facts and circumstances of the case and taking note of the fact that the Hon'ble Supreme Court while hearing a transfer petition concerning matrimonial dispute had held that “convenience of wife in matrimonial disputes is paramount as per established jurisprudence of the court”, this Court is inclined to allow the present Petition.

In the result, the present Petition is allowed. Accordingly, G.W.O.P.No.37 of 2023 pending on the file of the learned Principal District and Sessions Judge, Thiruvallur is hereby ordered to be withdrawn and transferred to the IV Additional Principal Family Court, Chennai to be tried along with FCOP No.4003/2022. Consequently, connected miscellaneous petition is closed. No costs.



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03.08.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

V.BHAVANI SUBBAROYAN J.

ssd

To
1. The Principal District and Sessions Judge,
Thiruvallur
2. The IV Additional Principal Family Court,
Chennai

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