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Tr. CMP. No.671 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.671 of 2023
and C.M.P.No.16546 of 2023

C.Balakumar Petitioner

-Vs-

Sri Logapriya Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the M.C.No.25 of 2022 pending before the learned Judicial Magistrate, Thiruvottiyur, Chennai and the same may be transferred to Hon'ble Sub Court, Thiruvottiyur. Chennai

For Petitioner : Mr.M.Rajkumar Franklin

For Respondent : No appearance

ORDER

This petition has been filed by the petitioner seeking to withdraw the M.C.No.25 of 2022 pending before the learned Judicial Magistrate, Thiruvottiyur, Chennai and the same may be transferred to Hon'ble Sub Court,



Thiruvottiyur. Chennai.

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2. The learned counsel for the petitioner submitted that the petitioner and the respondent are husband and wife, due to some misunderstanding, the petitioner has filed a petition for divorce in FCOP.No.178 of 2022 before the Family Court, Vellore. Thereafter, the respondent filed TR.CMPNo.913 of 2022 and the same was allowed on 19.12.2022. Therefore, FCOP has been transferred to Sub Court Thiruvottiyur, Chennai. Further, the respondent filed a petition for maintenance in M.C.No.25 of 2022 on the file of the learned Judicial Magistrate, Thiruvottiyur. He further submitted that the petitioner is working as an Interior designer at M/s.Proxedge Private Limited, Bangalore and the petitioner is regularly appearing for the maintenance case and he is unable to take too many leaves from the company to attend two different proceedings in two courts at Chennai. He further submitted that the petitioner has to come all the way from Bangalore to attend the two court proceedings. Hence, he prays to allow this petition.

3. The Court records show that the notice issued by this Court was served on the respondent. Hence, as the respondent is not coming before this Court either in person or through a counsel, in spite of the service of notice, this Court



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is of the view that the respondent has no objection for allowing the Tr.C.M.P. in favour of the petitioner.

4. Considering the facts and circumstances of the case and also the fact that the respondent/wife is living with her parents at Thiruvottiyur. As per the order of this Court, divorce petition has been transferred to Sub Court Thiruvottiyur for the reason that distance between Chennai to Vellore.

5. The reasons stated by the petitioner is not justifiable. Hence, the trial Court is directed to list both the cases on the same day, so as to enable the revision petitioner to attend the hearing.

6. In view of the above direction, the present Tr.C.M.P. is disposed of and the trial Judge is directed to proceed with the cases as expeditiously as possible. Consequently, connected miscellaneous petition is closed. No costs.

05.10.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI, J.

msrm

To

1.The learned Judicial Magistrate, Thiruvottiyur, Chennai.

2.The Sub Court, Thiruvottiyur, Chennai.

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