



WEB COPY



Tr.C.M.P.No.529 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Tr.C.M.P.No.529 of 2023

and

C.M.P.No.12398 of 2023

G.Nithiya

... Petitioner

Vs.

T.Rajeshkumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw I.A.No.212 of 2023 in unnumbered H.M.O.P.No. of 2023 from the file of the Family Court, Cuddalore and transfer it to the Family Court, Villupuram.

For Petitioner : Mrs.R.Meenal

ORDER

Mrs.R.Meenal, learned counsel for the petitioner and perused the records.

2. This petition is filed seeking to withdraw I.A.No.212 of 2023 in



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unnumbered H.M.O.P.No. of 2023 on the file of the Family Court, Cuddalore and transfer the same to the file of the Family Court, Villupuram, which was filed seeking for waiver of one year period for filing divorce petition.

3. Learned counsel for the petitioner submitted that the distance between the place where the petitioner is residing and the Court is about 180 kms.

4. Considering the circumstances, instead of granting the relief as sought for in the petition which was filed seeking to transfer I.A.No.212 of 2023, this Court is of the opinion that appropriate directions are given to the learned Family Court Judge not to insist the presence of the petitioner during the proceedings in I.A.No.212 of 2023.

5. It is to be noted that the petitioner is seeking transfer of this petition from the file of the Family Court, Cuddalore, to the file of the



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Family Court, Villupuram as it is inconvenient for the petitioner to travel all the way from her place to the Family Court, Cuddalore.

6. Considering the circumstance, this Transfer Civil Miscellaneous Petition is disposed of with a direction to the learned Family Court Judge, Cuddalore not to insist the presence of the petitioner in I.A.No.212 of 2023. However, in case if the petition cannot be proceeded without there being the presence of the petitioner, the Family Court Judge could insist for the presence of the petitioner only to hear and decide the petition. There shall be no order as to costs.

22.06.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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DR.D.NAGARJUN, J.,

ms

To

1.The Judge,
Family Court,
Cuddalore.

2.The Sub Judge,
Family Court,
Villupuram.

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and
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