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TR.CMP.No.824 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.824 of 2022
and C.M.P.No.14297 of 2022

Mrs.Gnanasoundhari

. . Petitioner

Vs

Mr.Gnanaprakasam

. . Respondent

Prayer in Tr.C.M.P.No.824 of 2022: The petition is filed under Section 24 of Civil Procedure Code, to withdraw the F.C.O.P.No.115 of 2020, pending on the file of the Learned Family Court at Tiruvannamalai and transfer the same to the file of the Learned Sub Court at Kancheepuram.

For Petitioner : Mr.R.Nandakumar

For respondent : Ms.D.Kowsalya



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ORDER

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The transfer petition is filed to transfer the F.C.O.P.No 115 of 2020 pending on the file of the Family Court, Tiruvannamalai to the Sub Court, Kancheepuram.

2. The marriage between the petitioner and the respondent was solemnized on 20.11.2016 as per the Hindu Rites and Customs. Due to misunderstanding, the petitioner and the respondent are living separately and the respondent/husband filed F.C.O.P.No. 115 of 2020 for divorce on the file of the Family Court, Tiruvannamalai.

3. The learned counsel for the petitioner/wife states that the mother of the petitioner died and therefore she is not in a position to travel and contest the case.

4. However, the learned counsel for the respondent states that the trial had commenced and concluded before the Family Court at



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Tiruvannamalai and therefore, transferring the case at this point of time would cause prejudice to the parties and thus, the Transfer Civil Miscellaneous Petition is to be rejected.

5. The F.C.O.P.No.115 of 2020 is pending for the past more than two years before the Family Court, Tiruvannamalai and the petitioner all along is participating in the proceedings. That apart, she has participated in the trial and the examination of witnesses were completed. That being the stage of F.C.O.P, it is not preferable to transfer the case at this juncture, which would cause prejudice to the parties and furthermore, the petitioner seeks transfer the F.C.O.P.No.115 of 2020 from the Family Court, Tiruvannamalai to the Sub Court, Kancheepuram, which is not desirable.

6. In view of the facts and circumstances, this Court do not find any merit in this petition and the Family Court, Tiruvannamalai shall dispose of the case as expeditiously as possible.



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7. Accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

30.01.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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Copy to:

1. The Judge,
Family Court,
Tiruvannamalai.

2. The Judge,
Sub-Court,
Kancheepuram.



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S.M.SUBRAMANIAM, J.

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