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Tr.C.M.P.No. 674 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.674 of 2023

and

C.M.P.No.16579 of 2023

G.Subasree

W/o.S.Janarthanan

... Petitioner

Versus

S.Janarthanan

S/o.J.Subramanian

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.1620 of 2022 pending on the file of II Additional Judge, Family Court, Chennai and transfer to the file of Family Court, Trichy to be tried along with H.M.O.P.No.262 of 2023.

For Petitioner : Mr.S.Muthu Kumar

For Respondent : Mr.T.Karunakaran



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ORDER

This petition has been preferred to withdraw H.M.O.P.No.1620 of 2022 pending on the file of the II Additional Judge, Family Court, Chennai and transfer the same to the file of the Family Court, Trichy to be tried along with H.M.O.P.No.262 of 2023.

2. Heard the learned counsel for the petitioner and learned counsel for the respondent and perused the materials available on record.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 25.08.2019 at NSP Thirumana Mahal at Trichy in accordance with Hindu Rites and Customs. Due to misunderstanding, the respondent left the petitioner all of a sudden. The respondent had filed a petition seeking divorce vide H.M.O.P.No.1620 of 2022 before the Family Court, Chennai. The petitioner has filed a petition under Section 9 of the Hindu Marriage Act before the Family Court, Trichy vide H.M.O.P.No.262 of 2023 seeking



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restitution of conjugal rights. The petitioner was working in ICICI Bank and due to compulsion of the respondent, she was forced to leave the job and now the petitioner being an unemployed finding difficult for eking out her livelihood.

4. Learned counsel for the petitioner produced before this Court an affidavit dated 19.10.2023 and other documents showing that the petitioner has vacated the house. A perusal of the same, it is seen that the petitioner has vacated the house on 13.10.2023 and surrendered the keys to the owner Mr.Krishna Kumar.K on 13.10.2023. Learned counsel also submitted that now, the petitioner is living in Trichy along with her parents. Hence, the petitioner herein, has preferred the present petition to withdraw H.M.O.P.No.1620 of 2022 pending on the file of II Additional Judge, Family Court, Chennai and transfer the same to the Family Court, Trichy to be tried along with H.M.O.P.No.262 of 2023.

5. Learned counsel for the respondent submitted that as on date, the petitioner is residing at Chennai in the house which was taken on lease by



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the respondent and hence prays to dismiss the present petition.

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6. Considering the fact that since the petitioner being an unemployed woman, as on date she is not residing in Chennai as she vacated the house it is very difficult for her to travel from Trichy to Chennai for attending the Court proceedings at Chennai and hence, the petitioner seeks to transfer H.M.O.P.No.1620 of 2022 pending on the file of II Additional Judge, Family Court, Chennai to the Family Court, Trichy. Hence, this Court finds that the reason assigned by the petitioner for transfer of H.M.O.P.No.1620 of 2022 is justifiable and this Court is inclined to transfer the proceeding in H.M.O.P.No.1620 of 2022 pending on the file of the II Additional Judge, Family Court, Chennai to Family Court, Trichy.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.1620 of 2022 filed by the respondent/husband is ordered to be withdrawn from the file of II Additional Judge, Family Court, Chennai and transferred to the file of Family Court, Trichy. The learned II Additional Judge, Family Court, Chennai is directed to transmit



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all the records pertaining to H.M.O.P.No.1620 of 2022 to the file of the Family Court, Trichy within a period of two weeks from the date of receipt of a copy of this order. However, the learned Judge, Family Court, Trichy is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

20.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

1. The II Additional Judge,
Family Court,
Chennai.
2. The Judge,
Family Court
Trichy.

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T.V.THAMILSELVI, J.

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