



Tr.C.M.P.No. 764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.764 of 2023

and

C.M.P.No.18607 of 2023

M.Vishnu Priya
W/o.V.Mathiyazhagan

... Petitioner

Versus

V.Mathiyazhagan
S/o.Vadivazhagan

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.305 of 2023 pending on the file of Family Court, Salem and transfer the same to the file of Family Court, Chennai.

For Petitioner	:	Mr.A.R.Nixon
For Respondent	:	Mr.R.Nalliyappan

ORDER

This petition has been preferred to withdraw H.M.O.P.No.305 of 2023 pending on the file of the Family Court, Salem and transfer the same to the file of the Family Court, Chennai.

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WEB COPY 2. Heard the learned counsel for the petitioner and the 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 02.05.2018 at Salem Arulmigu Karapuranatha Temple, Salem as per the Hindu Rites and Customs. Out of the wedlock, they have been blessed with a female child on 13.06.2019. Due to matrimonial discord, the respondent preferred a divorce proceedings against the petitioner vide H.M.O.P.No.305 of 2023 on the file of Family Court, Salem. The respondent, who is working in Qatar, presented the petition before the Family Court, Salem and went back to Qatar. The Court issued summons for the appearance of the petitioner on 06.06.2023. The petitioner met with an accident on 02.06.2023, suffered ligament tear at right hand shoulder and was advised to take complete rest. Even though the petitioner has suffered grievous injuries, she attended the Court proceedings in Family Court, Salem on 06.06.2023 along with the child with the help of her parents. Due



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to the ill-treatment of the respondent during the gestation period, there was delay in developmental milestones and the Pediatric Doctor advised to take the child for speech therapy and to develop the mental growth of the child with the help of other organizations. Hence, taking the child along with her for attending Court hearings at Salem is a difficult task for the petitioner. Further, the petitioner is dependent of her parents, who are having health issues. Hence, the petitioner herein, who is the wife has preferred the present petition to withdraw H.M.O.P.No.305 of 2023 pending on the file of Family Court, Salem and transfer the same to the Family Court, Chennai.

4. Considering the fact that the petitioner is suffering with ligament tear at her right hand shoulder and is dependent of her old age parents with her child, she is not able to travel from Chennai to Salem which is 350 km for attending Court hearings and hence, the petitioner seeks to transfer H.M.O.P.No.305 of 2023 pending on the file of Family Court, Salem to the Family Court, Chennai. Hence, this Court finds that the reason assigned by the petitioner for transfer of H.M.O.P.No.305 of 2023 is justifiable and this Court is inclined to transfer the proceeding in H.M.O.P.No.305 of 2023



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pending on the file of the Family Court, Salem to Family Court, Chennai.

WEB COPY

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

The petition in H.M.O.P.No.305 of 2023 filed by the respondent/husband is ordered to be withdrawn from the file of the Family Court, Salem and transferred to the file of the Family Court, Chennai. The learned Judge, Salem District is directed to transmit all the records pertaining to H.M.O.P.No.305 of 2023 to the file of the Family Court, Chennai within a period of two weeks from the date of receipt of a copy of this order. However, the learned Sub-Judge, Chennai 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

mk



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To

WEB COPY

1. The Family Judge,
Family Court,
Salem District.
2. The Family Judge,
Family Court,
Chennai.

T.V.THAMILSELVI, J.



WEB COPY



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mk

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