



WEB COPY

Tr.C.M.P.No.812 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

THE HONOURABLE MR.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.812 of 2023

and

C.M.P.No.19603 of 2023

D.Muthukarupayee @ Vinothiini

... Petitioner

Vs.

M.Raveendiran

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the HMOP No.267 of 2022 on the file of the learned Family Court, Theni District and transfer the same to any of the Family Court, Chennai, Chennai District.

For Petitioner : Mr. Jagan

For Respondent : Mr.P.Eswaran

ORDER

The petition for transfer is filed to withdraw the HMOP No.267 of 2022 on the file of the learned Family Court, Theni District and transfer the same to any of the Family Court, Chennai.



2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The marriage between the petitioner and the respondent was solemnised on 13.03.2019. On account of matrimonial home broke down, the petitioner and the respondent are living separately. The respondent has filed HMOP No.267 of 2022 before the Family Court, Teni seeking divorce. It is settled proposition that proceedings with regard to matrimonial dispute shall be conducted only at, where, the wife is residing.

4. Considering the reason that already petitioner / wife is living with a 3 year old child and also that she is depending on her mother and brother, the reason is justifiable to transfer the petition. Accordingly, the HMOP No.267 of 2022 on the file of the learned Family Court, Theni District is transferred to the Family Court, Chennai. On receipt of case papers, the Family Court, Chennai is directed to issue notice to respondent and proceed with case in the manner known to law. Learned counsel for the petitioner submits that the husband / respondent got married with another girl and



having a 4 months old baby, the Trial Judge is directed to proceed with the matter by enquiring the same and dispose of the same as early as possible within a period of three months from the date of receipt of a copy of this order.

5. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

09.11.2023

Index : Yes
Speaking order / Non speaking order
Neutral Citation : Yes / No
skr

To

1. The Judge,
The Family Court,
Theni District.

2. The Judge,
The Family Court,
Chennai.



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T.V.THAMILSELVI, J.

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