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Tr.CMP.No. 780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

Tr.C.M.P. No. 780 of 2023

and

CMP.No. 18934 of 2023

A. Maheshwar

.. Petitioner

Versus

Aiswarya K.A.

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the GWOP. No. 293 of 2022 from the file of the Principal District Court, Chengalpet, and to transfer the same to the file of the Family Court, Chennai.

For Petitioner

: Mr.Murugamanickam

Senior Counsel

For Mr.B.Gopalakrishnan

For Respondent

: Ms. R. Megha

For Mr.A.Maheshwar Munusamy

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**ORDER**

This Transfer Civil Miscellaneous petition is filed to withdraw the GWOP. No. 293 of 2022 from the file of the Principal District Court, Chengalpet, and to transfer the same to the file of the Family Court, Chennai.



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2. Heard both side and perused the records.

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3. On a perusal of the records, it is seen that the marriage was solemnized between the petitioner/husband and the respondent/wife on 23.11.2017 as per the Hindu Marriage Act, 1955. Out of their wedlock, they blessed with a female child, namely, Anvita, 3-year-old. Thereafter, there was some matrimonial dispute between them, the petitioner/husband has filed HMOP.No. 172 of 2021 and the same was withdrawn by way of mediation, dated 08.04.2022. Hence, once again, the petitioner/husband filed HMOP.No. 252 of 2022 before the Family Court, Chennai, seeking divorce against the respondent/wife and the same is pending. Thereafter, the petitioner/husband filed GWOP.No. 293 of 2022 before the Principal District Court, Chengalpet for custody of minor child and the same is pending. In the meanwhile, the respondent/wife has filed Tr.CMP.No. 275 of 2023 before this Court seeking to transfer the HMOP.No. 252 of 2022 pending from the file of the Family Court, Vellore to the Sub Court, Alandur. On 07.08.2023, the above Tr.CMP.No. 275 of 2023 came up for hearing, during that time, the petitioner filed memo before this Court and narrated the GWOP.No. 293 of 2022 pending before the Principal District Court, Chengalpet, and requested this Court to transfer both the cases before the Family Court, Chennai, but this Court directed the



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petitioner to file a separate petition to transfer the GWOP.No. 293 of 2022 to the file of the Family Court, Chennai. For conducting joint trial, the petitioner filed the present transfer petition to withdraw the GWOP.No. 293 of 2022 pending on the file of the Principal District Court, Chengalpet, to the file of the Family Court, Chennai, by invoking under Section 24 of CPC.

4. Having regard to the aforesaid facts and circumstances of the case, and the submission made by the learned counsel for the petitioner, this Court is inclined to transfer the proceedings. Hence, this Court is of the view that the transfer petition can be ordered on the basis of the submission made by the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, GWOP. No. 293 of 2022 from the file of the Principal District Court, Chengalpet, is ordered to be withdrawn and the same is hereby transferred to the file of the Family Court, Chennai.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

**29.09.2023**

Index:Yes/No

Speaking order / Non speaking order

MSM

Note: Issue order copy on 23.11.2023



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To

1. The Principal District Court, Chengalpet.
2. The Family Court, Chennai.



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**V. BHAVANI SUBBAROYAN, J**

MSM

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