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Tr.C.M.P.No. 794 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.794 of 2023

and

C.M.P.No.19233 of 2023

R.Vaishnavi
D/o.Rajasekaran

... Petitioner

Versus

J.Jehan Kumar
S/o.R.Jayapalan

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw and transfer F.C.O.P.No.216 of 2023 pending on the file of Family Court, Vellore to the file of Sub-Court, Alandur.

For Petitioner : Mr.S.L.Venkatesan



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ORDER

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2. Heard the learned counsel for the petitioner and perused the materials available on record. Even though notice has been served on the sole respondent and his name is printed in the cause list, none appeared on his behalf.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 06.03.2022 at K.S.M.Mahal, Ariyur, Vellore. Due to cruelty caused by the respondent, the petitioner has left matrimonial home. The respondent has filed a petition seeking divorce vide F.C.O.P.No.216 of 2023 on the file of Family Court, Vellore. Since the petitioner is living in Chennai, she is not able to travel to Vellore for attending Court hearings. Hence, the petitioner herein, who is the wife has preferred the present petition to withdraw



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F.C.O.P.No.216 of 2023 pending on the file of Family Court, Vellore and transfer the same to the Sub-Court, Alandur.

4. Learned counsel for petitioner submitted that the petitioner is not able to attend the Court hearings at Vellore as there is a threat from the respondent and his family members. Hence, the petitioner prays to transfer F.C.O.P.No.216 of 2023 pending on the file of Family Court, Vellore to the Sub-Court, Alandur.

5. Considering the fact that there is a threat from the respondent and his family members while attending Court hearings at Vellore and it is also very difficult for her to travel from Chennai to Vellore for attending the Court hearings, the petitioner seeks to transfer F.C.O.P.No.216 of 2023 pending on the file of Family Court, Vellore to the Sub-Court, Alandur. This Court finds that the reason assigned by the petitioner for transfer of F.C.O.P.No.216 of 2023 is justifiable. Hence, this Court is inclined to transfer the proceeding in F.C.O.P.No.216 of 2023 pending on the file of the Family Court, Vellore to Sub-Court, Alandur.



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6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

The petition in F.C.O.P.No.216 of 2023 filed by the respondent/husband is ordered to be withdrawn from the file of the Family Court, Vellore and transferred to the file of the Sub-Court, Alandur. The learned Family Judge, Vellore is directed to transmit all the records pertaining to F.C.O.P.No.216 of 2023 to the file of the Sub-Court, Alandur within a period of two weeks from the date of receipt of a copy of this order. However, the learned Sub-Judge, Alandur 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 Family Judge,
Family Court,
Vellore District.
2. The Sub-Judge,
Sub-Court,
Alandur.

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T.V.THAMILSELVI, J.

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