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Tr.C.M.P.No.804 of 2023
and CMP.No.19377 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.804 of 2023
and CMP.No.19377 of 2023

Preethi

... Petitioner

Vs.

M.Maniraj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No.157 of 2023 pending on the file of the Sub Court, Uthamapalayam and transfer the same to the file of the Family Court, Tiruvallur.

For Petitioner : Mr.S.Thirukkumaran

For Respondent : Mr.G.Dinesh Kumar

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.157 of 2023 pending on the file of the Sub Court, Uthamapalayam, to the Family Court,



Tr.C.M.P.No.804 of 2023
and CMP.No.19377 of 2023

Tiruvallur. The petitioner /wife seeks transfer of the proceedings before the Family Court, Tiruvallur on the ground that she is living at Tiruvallur in her parental home with one male child and she is not able to attend the court hearings by travelling from Tiruvallur to Uthamapalayam.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 29.10.2020 at Vokalikar Marriage Hall, Uthamapalayam, as per Hindu rites and customs. Due to misunderstanding the respondent had filed a divorce petition in H.M.O.P.No.157 of 2023 before the Sub Court, Uthamapalayam to dissolve the marriage. Now the petitioner is residing in her parental home with her male child, without any source of income. Hence, she prays to transfer the H.M.O.P.No.157 of 2023 to the file of the Family Court, Tiruvallur.

3. The learned counsel for the respondent raised objections stating that the respondent/husband is working as an Assistant in Commercial Tax Department at Chennai and hence, he seeks transfer of H.M.O.P.No.157 of 2023 to the file of the Family Court, Chennai instead of the Family Court, Tiruvallur.



Tr.C.M.P.No.804 of 2023
and CMP.No.19377 of 2023

4. Considering the facts and circumstances and the reason assigned by both sides, this Court is inclined to transfer the H.M.O.P.No.157 of 2023 to the file of the Family Court, Chennai.

5. In view of the above, H.M.O.P.No.157 of 2023 is withdrawn from the file of the Sub Court, Uthamapalayam and transferred to the file of Family Court, Chennai. The learned Judge, Sub Court, Uthamapalayam is directed to send entire records to the learned Judge, Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

7. However, the learned Judge, Family Court, Chennai, is directed to issue notice to the respondent and dispose of the case as early as possible from the date of receipt of a copy of this order.

30.11.2023

Index : Yes / No
Speaking/Non-speaking order
vkr



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Tr.C.M.P.No.804 of 2023
and CMP.No.19377 of 2023

T.V.THAMILSELVI, J.

vkrr

To

1. The Sub Court, Uthamapalayam.
2. The Family Court, Chennai.

Tr.C.M.P.No.804 of 2023
and
CMP.No.19377 of 2023

30.11.2023