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Tr.CMP.No.556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.846 of 2023
and C.M.P.No.20334 of 2023

G.Nithyarani

... Petitioner

Vs

M.Manoharan

... Respondent

Prayer : Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case bearing F.C.O.P.No.68 of 2023 on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.S.Ranjith Kumar

ORDER

This petition has been filed by the petitioner seeking to withdraw F.C.O.P.No.68 of 2023 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the Family Court, Chennai.



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2.The learned counsel for the petitioner submitted that the marriage between the petitioner and the respondent on 24.06.2007 and they begotten a female child on 18.07.2009. Thereafter, the respondent filed a petition F.C.O.P.No.68 of 2023. He further submitted that the petitioner has been working as a tailor to meet daily expenses for her child education and if she has to attend the Court, she will lose one day of earnings. It is very difficult for the petitioner to attend the court hearings at Chengalpattu, she was unable to travel 5 hours for up and down along with the child. Hence, he prays to allow this petition.

3.Perused the notice sent to the respondent which was returned as insufficient address. However, learned counsel for the petitioner issued a notice to the Lower Court counsel and the same was delivered. It is seen that the petitioner is residing at Chennai and the respondent is also residing at Chennai whereas the F.C.O.P.No.68 of 2023 is pending before the Family Court at Chengalpattu.

4.Considering the facts and circumstances of the case and also the fact that the petitioner is residing at parents home along with her child and she is unable to travel 5 hours up and down to attend Court proceedings from Chennai to



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Chengalpattu. Therefore, the reasons stated by the petitioner and the same are justifiable.

5. Accordingly, the present Tr.C.M.P. is allowed and the F.C.O.P.No.68 of 2023 pending on the file of the Family Court, Chengalpattu, is withdrawn and transferred to the file of the Family Court, Chennai. No costs. Consequently, the connected miscellaneous petition is closed.

6. The Family Court, Chennai is directed to issue notice to the respondent/husband and proceed with the case in F.C.O.P.No.68 of 2023 in the manner known to law.

18.10.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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To

1. The Family Court, Chengalpattu.
2. The Family Court, Chennai.



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T.V.THAMILSELVI, J.

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