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Tr.C.M.P.No. 879 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.879 of 2023

and

C.M.P.No.21111 of 2023

Srinithi

W/o.Ilavarasan

... Petitioner

Versus

Ilavarasan

S/o.Rasangam

... Respondent

PRAYER :

Transfer Civil Miscellaneous Petition was filed under Sec.24 of Civil Procedure Code, praying to withdraw the above said O.P.No.94 of 2023 pending on the file of Family Court, Sivagangai and transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.S.Lakshmanasamy

ORDER

This petition has been preferred to withdraw O.P.No.94 of 2023 pending on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Chennai.

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2. Heard the learned counsel for the petitioner and perused the materials available on record. There is no representation on behalf of respondent.

3. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 18.11.2015. Due to cruelty caused by the respondent, the petitioner has left matrimonial home. It is stated that the petitioner is a visually disabled person. The respondent has filed a petition seeking divorce vide O.P.No.94 of 2023 on the file of Family Court, Sivagangai. Since the petitioner is living in Chennai, she is not able to travel to Sivagangai which is 460 km away from Chennai for attending Court hearings. Hence, the petitioner herein, who is the wife has preferred the present petition to withdraw O.P.No.94 of 2023 pending on the file of Family Court, Sivagangai and transfer the same to the Family Court, Chennai.

4. Learned counsel for petitioner submitted that the petitioner has been selected for the post of Typist in Tamil Nadu Sales Tax Appellate



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Tribunal, City Civil Court Building, High Court Campus, Chennai-600 104.

In this regard, proceedings of the Chairman, Tamil Nadu Sales Tax Appellate Tribunal, Chennai-600 104 dated 16.10.2023 has been produced before this Court.

5. This Court finds that since the petitioner is working as a Typist in Chennai, it is difficult for her to travel from Chennai to Sivagangai which is 460 km for attending the Court hearings at Family Court, Sivagangai and hence, the reason assigned by the petitioner for transfer of O.P.No.94 of 2023 is justifiable. Hence, this Court is inclined to transfer the proceeding in O.P.No.94 of 2023 pending on the file of the Family Court, Sivagangai to Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in O.P.No.94 of 2023 filed by the respondent/husband is ordered to be withdrawn from the file of the Family Court, Sivagangai and transferred to the file of the Family Court, Chennai. The learned Family Judge, Sivagangai, is directed to transmit all the records pertaining to



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O.P.No.94 of 2023 to the file of the Family Court, Chennai within a period of two weeks from the date of receipt of a copy of this order. However, the learned Family Judge, Chennai 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,
Sivagangai District.
2. The Family Judge,
Family Court,
Chennai.



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T.V.THAMILSELVI, J.

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