



Tr.C.M.P.No.931 of 2023
and CMP.No.22400 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2023

CORAM:

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

Tr.C.M.P.No. 931 of 2023

and

CMP.No.22400 of 2023

Sindhuja
W/o. Anbuselvan

... Petitioner

Vs.

K.Anbuselvan
S/o. Kothandam Pillai

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 148 of 2023 pending on the file of the Family Court, Perambalur and transfer the same to the Family Court, Chennai.



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For Petitioner : Mr. V. Yurendra Kumar

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.148 of 2023 pending on the file of Family Court, Perambalur to the Family Court, Chennai. The petitioner /wife seeks transfer of the proceedings before the Family Court, Chennai on the ground that she is living at Chennai with one female child, aged about 8 years and she is not able to attend the court hearings by travelling 300 kms. from Chennai.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 02.06.2014 at at Rithanya Mahal, Ariyalur District as per Hindu Marriage Act, out of the wedlock, two male children born to them. They were set up a matrimonial home at Chennai after the child birth due to misunderstanding the petitioner driven out of the matrimonial home during 2022 along with one child. He



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further submitted that the respondent had filed a petition for divorce in HMOP.No.148 of 2023 on the file of the Family Court, Perambalur to dissolve the marriage. The petitioner alone is looking after the welfare of the said child. On each and every hearings she has to travel approximately 300 kms from Chennai. Hence, she prays to transfer the HMOP.No.148 of 2023, to the Family Court, Chennai.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.148 of 2023 to the Family Court, Chennai.

4. In view of the above, H.M.O.P.No.148 of 2023 is withdrawn from the file of the Family Court, Perambalur and transferred to the file of Family Court, Chennai to be disposed of in accordance with law and the learned Family Judge, Perambalur is directed to send entire records to the learned Family Judge, Chennai, within a period of two weeks from the date of receipt of a copy of this order.



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5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected miscellaneous petition is closed.

6. However, the Family Judge, Chennai is directed to issue notice to the respondent and dispose of the case as early as possible, preferably within a period of three months from the date of this order.

03.10.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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To

1. The Family Judge, Perambalur.

2. The Family Judge, Chennai.

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T.V.THAMILSELVI, J.

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