



Tr.C.M.P.No.1003 of 2023
and CMP.No.24217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

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

Tr.C.M.P.No.1003 of 2023

and

CMP.No.24217 of 2023

M.Niraimathi
W/o.Aravind Kumar

... Petitioner

Vs.

P.Aravind Kumar
S/o.Palani

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 856 of 2022 pending on the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr. George William Y.

For Respondent : Mr. Thirumoorthy

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.856 of 2022 pending on the file of the Subordinate Court, Poonamallee to the Family



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Court, Chennai. The petitioner /wife seeks transfer of the proceedings before the Family Court, Chennai on the ground that she is living at Chennai in her friends home and she is not able to attend the court hearings by travelling from Arumbakkam to Poonamallee.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 24.02.2021 at Kamarajar Maligai, Ambattur, Chennai as per Hindu rites and customs. Due to misunderstanding the respondent had filed a divorce petition in HMOP.No.856 of 2022 before the learned Subordinate Judge, Poonamallee to dissolve the marriage. Now the petitioner is residing in her friends house, near to her working place. Hence, she prays to transfer the case in HMOP.No.856 of 2022 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.856 of 2022 to the Family Court, Chennai.



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4. In view of the above, H.M.O.P.No. 856 of 2022 is withdrawn from the file of the Subordinate Court, Poonamallee and transferred to the file of Family Court, Chennai. The learned Subordinate Judge, Poonamallee 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.

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.

02.11.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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T.V.THAMILSELVI, J.

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To

1. The Subordinate Judge, Poonamallee.
2. The Family Judge, Chennai.

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