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Tr.C.M.P.No.976 of 2023
and CMP.No.23552 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

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

Tr.C.M.P.No.976 of 2023

and

CMP.No.23552 of 2023

Sivasakthi
D/o.Dhanapal

... Petitioner

Vs.

Ragu
S/o. Kuppusamy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 22 & 24(1) of C.P.C., praying to withdraw the O.P.No. 45 of 2023 filed by the respondent pending on the file of the Sub-Court, Ulundurpettai, Villuppuram and transfer the same to the Sub- Court, Poonamallee, Tiruvallur.

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For Petitioner : Mrs. L.Sasireka

ORDER

The petitioner/wife seeks transfer of O.P.No. 45 of 2023 pending on the file of the Sub-Court, Ulundurpettai, Villuppuram to the Sub- Court, Poonamallee, Tiruvallur. The petitioner /wife seeks transfer of the proceedings before the Sub- Court, Poonamallee, Tiruvallur, on the ground that she is residing at Chennai with two little children, and she is not able to attend the Court hearings by travelling 400 kms from Chennai to Villupuram.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 05.02.2015, at S.V.Marriage Hall in Panruti, Cuddalore. Out of the wedlock, twin male child were born to them. Due to misunderstanding they got separated and she is now living with her two children in her parents home and it is very difficult to attend the Court hearings travelling from Chennai to Villupuram.



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He also submitted that the petitioner is working as a teacher in ELITE Matriculation higher secondary school, Padinallur near her residence and her children are studying in the same school. He further submitted that the respondent had filed a petition for divorce in O.P.No. 45 of 2023 for dissolution of marriage under Special Marriage Act, and the same is pending on the file of the Sub-Court, Ulundurpettai. Hence, she prays to transfer the OP.No.45 of 2023, to the Sub- Court, Poonamallee, Tiruvallur.

3. Considering the facts and circumstances, now the children are under the care of the petitioner and she is working as a teacher near her residence and her children are studying in the same school and the reason assigned by the petitioner is justifiable. Hence, this Court is inclined to transfer the proceeding in O.P.No. 45 of 2023 pending on the file of the Sub-Court, Ulundurpettai, Villuppuram to the Sub- Court, Poonamallee, Tiruvallur.

4. In view of the above, O.P.No.45 of 2023 is withdrawn from the file of the Sub-Court, Ulundurpettai, Villuppuram and transferred to the file of



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the Sub- Court, Poonamallee, Tiruvallur, to be disposed of the case in accordance with law and the learned Sub-Judge, Ulundurpettai, Villuppuram is directed to send the entire records to the learned Sub-Judge, Poonamallee, Tiruvallur, 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. Consequently, connected miscellaneous petition is closed. No costs. However, the learned Sub- Judge, Poonamallee, Tiruvallur is directed to issue notice to the respondent and then dispose of the case as early as possible, as per manner known to law.

16.10.2023

Index : Yes / No
Neutral Citation: Yes / No
Speaking/Non-speaking order

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To

1. The Sub- Judge, Poonamallee, Tiruvallur.
2. The Sub-Judge, Ulundurpettai, Villuppuram



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T.V.THAMILSELVI, J.

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