



Tr.C.M.P.No.985 of 2023
and C.M.P.No.23676 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:

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

Tr.C.M.P.No. 985 of 2023

and

C.M.P.No.23676 of 2023

R. Lekha Srinithi
W/o. Loknathsami

... Petitioner

Vs.

Lokenath Samy
S/o. Pachatcharam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 60 of 2022 pending on the file of the Sub Court, Kancheepuram and transfer the same to the file of the Family Court, Vellore.

For Petitioner

: Mr. S. Santhan



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.60 of 2022 pending on the file of Sub Court, Kancheepuram to the Family Court, Vellore. The petitioner / wife seeks transfer of the proceedings before the Family Court, Vellore on the ground that she is living at Vellore with one male child, aged about 8 years and she is not able to attend the court hearings by travelling 100 kms. from Vellore.

2. The learned counsel for the petitioner submitted that the marriage between the respondent and the petitioner was solemnized on 15.11.2013 at Walaja Municipality Thirumana Mandabam, Vannivedu (Walaja Community hall) as per Hindu Rites and Customs, out of the wedlock, one male child born to them. He further submitted that the petitioner has already filed Cr.M.P.No.2781/2022 in D.V.C.No.2/2022 before the learned Judicial Magistrate, Additional Mahila Court, Vellore. The learned Judge passed an order of maintenance on 22.06.2022 and imposed monthly maintenance for a sum of Rs.5,000 for the petitioner and Rs.10,000/- for his child, totally



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Rs.15,000/- per month. But till date the respondent has not paid any amount to them. Hence, she prays to transfer the HMOP.No.60 of 2022, to the Family Court, Vellore.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.60 of 2022 to the Family Court, Vellore.

4. In view of the above, H.M.O.P.No.60 of 2022 is withdrawn from the file of the Sub Court, Kancheepuram and transferred to the file of Family Court, Vellore to be disposed of in accordance with law and the learned Subordinate Judge, Kancheepuram is directed to send entire records to the learned Family Judge, Vellore, 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.



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

18.10.2023

Index : Yes / No
Neutral Citation: Yes / No
AT

To
1. The Sub Court, Kancheepuram.
2. The Family Court, Vellore.



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T.V.THAMILSELVI, J.

AT

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