



WEB COPY

Tr.C.M.P.No.1206 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1206 of 2022

and

C.M.P.No.20764 of 2022

Mr.Nirmal Kumar Prakasam

... Petitioner

Vs.

K.Vindhiya

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in H.M.O.P.No.1601 of 2022 on the file of the 2nd Additional Family Judge, Chennai and to transfer the same to the file of the Sub-Court, Tambaram.

For Petitioner

: Mr.R.Jayaprakash

For Respondent

: Mrs.R.Balambigai Gowri



ORDER

The petition for transfer is filed to withdraw and transfer the H.M.O.P.No.1601 of 2022 on the file of the 2nd Additional Family Judge, Chennai to the file of the Sub-Court, Tambaram.

2. The Marriage between the petitioner and respondent was solemnised on 23.05.2021. Due to misunderstanding the petitioner and the respondent are living separately. The respondent filed H.M.O.P.No.1601 of 2022 to declare the marriage as null and void, which is now pending on the file of the II Additional Family Court, Chennai.

3. The petitioner husband states that he is residing at Madurai and he was advised by the Doctor to take rest, since he is suffering from knee pain. However, the certificate produced by the petitioner reveals that he is now under the physiotherapy and that too for a short duration. That apart, the petitioner is seeking transfer from Chennai to Tambaram, which has no relevance at all. When the petitioner is the resident of Madurai seeking transfer, is only with an idea to dispense with his appearance from conducting the matrimonial proceedings. Such an idea of the litigants cannot



be encouraged by the Courts. The relevancy of the transfer is also to be considered and the likelihood would be caused to the other side is to be taken note of.

4. In the present case, the respondent wife filed H.M.O.P.No.1601 of 2022 to declare the marriage as null and void on the file of the II Additional Family Court at Chennai and thus, the petitioner has not established any acceptable ground to transfer the case. If at all the petitioner states that he is unable to travel, the fact remains that he is a native of Madurai and working at Bangalore, while so, the very reason stated is untenable and thus, the transfer petitioner deserves no merit consideration.

5. With these observations, the Transfer Civil Miscellaneous Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

09.01.2023

Jeni
Index : Yes
Speaking order



Tr.C.M.P.No.1206 of 2



To

1.The Judge,
II Additional Family Court,
Chennai.

2.The Judge,
Sub Court,
Tambaram.



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S.M.SUBRAMANIAM, J.

Jeni

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