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Tr.C.M.P.No.204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

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

TR.C.M.P.No.204 of 2023

and

C.M.P.No.4438 of 2023

A.Ambika

... Petitioner

Vs.

N.Srinivasan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition under Section 24 of Civil Procedure Code read with Article 227 of the Constitution of India to withdraw the petition in G.W.O.P.No.61 of 2021 on the file of the Principal District Court, Chengalpattu and to transfer the same to the High Court of Madras, Chennai.

For Petitioner : Mr.Shankar Subramanian

For Respondent : No Appearance

ORDER

This transfer petition is filed by the petitioner/wife seeking transfer of petition filed by the respondent/husband in G.W.O.P.No.61 of 2021 pending on the file of the Principal District Court, Chengalpattu to the High Court of Madras, Chennai.



Tr.C.M.P.No.204 of 2023

WEB COPY

2. Though notice served on the respondent, there is no representation on behalf of the respondent.

3. The contention of the petitioner is that she is residing at Anna Nagar, Chennai and she is working in Chennai. As a lady she finds it very difficult to undertake long travel to Chengalpattu which is 75 kilometer away from her residence to attend the Court hearings in G.W.O.P.No.61 of 2021. Originally, the husband and child was at Urappakkam, hence, she was advised to file G.W.O.P.No.61 of 2021 before the Principal District Court, Chengalpattu. Thereafter, the visitation rights was given to this petitioner by the IV Additional Family Court, Chennai in O.P.No.4288 of 2015. Thereafter, this court has also given visitation right in C.M.P.No.4773 of 2019. But the husband committed wilfull disobedience against the order of this Court and without the knowledge of the wife, he took away the child to the United Kingdom and failed to comply with the order of this Court. Hence, the wife has initiated Contempt.O.P.No.737 of 2020. Thereafter she challenged the order before the Honourable Apex Court. The Honourable Apex Court held as follows:



WEB COPY



Tr.C.M.P.No.204 of 2023

“Since main matter is pending before the High Court, the prayer or custody/visitation rights can be duly considered by the High Court appropriately, if such request is made by the petitioner to the High Court.

We decline to entertain these special leave petitions raising this limited grievance of the petitioner. The special leave petitions are accordingly disposed of.

In view of the above, pending applications shall stand disposed of.”

4. As per the order of the Honourable Apex Court, now she preferred this application to transfer the G.W.O.P.No.61 of 2021 pending before the Principal District Court, Chengalpattu to the High Court of Madras, Chennai and to try other matters pending before this Court.

5. In the case on hand petitioner/wife is residing at Chennai and working at Chennai and she expressed her difficulty in undertaking long travel to attend Court hearings at Chengalpattu. It is settled law that in cases involving matrimonial dispute, the preference shall be given to the convenience of the petitioner/wife. Further, if the G.W.O.P.No.61 of



Tr.C.M.P.No.204 of 2023

WEB COPY

2021, C.M.A.Nos.4502 and 4773 of 2019 and Contempt Petition.No.737 of 2020 are allowed to go on before different Courts, there will be a likelihood of conflict of judicial verdicts. Hence in the interest of justice,the above cases shall be tried together in a same Court and by taking into consideration the convenience of petitioner/wife, this Court is inclined to order the above transfer petition as indicated below.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The petition filed in G.W.O.P.No.61 of 2021 on the file of the Principal District Court, Chengalpattu is withdrawn and transferred to the High Court of Madras, Chennai for joint trial along with C.M.A.Nos.4502 and 4773 of 2019 and Contempt Petition.No.737 of 2020. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

17.03.2023

Index: Yes/ No
Speaking Order / Non-Speaking Order
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Tr.C.M.P.No.204 of 2023

To
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1. The Principal District Court, Chengalpattu.
2. The High Court of Madras,
Chennai.



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Tr.C.M.P.No.204 of 2023

T.V.THAMILSELVI, J.
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TR.CMP.No.204 of 2023

17.03.2023