



Tr.C.M.P.No. 1080 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

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

Tr.C.M.P.No. 1080 of 2023

and

C.M.P.No. 25968 of 2023

C.R.Hompreetha

... Petitioner

Vs.

P.Pragalathan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the case in HMOP No.163 of 2023 from the Family Court, Tiruvallur and transfer the same to the Family Court, Chennai.

For Petitioner : Ms.T.K.S.Gandhi

For Respondent : Mr.R.Karunakaran

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.163 of 2023 pending on the file of Family Court, Tiruvallur District, which was filed by



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the respondent husband to the file of Family Court at Chennai. The petitioner wife seeks transfer of the proceedings on the ground that she is living with one year old child and she is not able to travel from her place of residence to attend every hearings before Family Court, Tiruvallur.

2. The learned counsel for respondent husband raised objection stating that as he is employed as Block (Rural) Medical Officer, Tiruvallangadu and he has to report before the Director of Health Services of Tiruvallur District and the District Collector, Tiruvallur, he unable to attend the court at Chennai.

3. Records perused. Considering both side submissions as well as on seeing the averments, it reveals that both were Doctor by profession and so due to unavoidable circumstances, both parties are directed to appear before the Family Court at Chennai. Furthermore, already the respondent filed a petition for restitution of conjugal rights in H.M.O.P.No. 4844 of 2023 and the petitioner has filed a petition for divorce in H.M.O.P.No. 163 of 2023 before the VII Addl. Judge, Family Court, Chennai, thereby the same are to be tried jointly. The reasons assigned by the petitioner wife is justifiable one and the fact that petitioner wife is living with one year old female child and



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she is not able to travel from her place of residence to attend every hearings before Family Court, Tiruvallur. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.163 of 2023 is withdrawn from the file of the Family Court, Tiruvallur and transferred to the file of Family Court, Chennai and the learned Family Court Judge, Tiruvallur is directed to transfer the case to the Family Court, Chennai within a period of two weeks from the date of receipt of copy of this order. The learned Family Court, Chennai is also directed to take case on file within period of one week from the date of receipt of papers and to dispose the case as early as possible, since both parties are Doctor by profession. No costs. Consequently, connected civil miscellaneous petition is closed.

06.12.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp
To
1.The Family Court, Tiruvallur.
2.The Family Court, Chennai.

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