



WEB COPY

Tr.C.M.P.No.1348 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1348 of 2022

and

C.M.P.No.22957 of 2022

R.Gowrinath

... Petitioner

Vs.

S.Pooja

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the HMOP No.147 of 2021 on the file of Learned Family Judge, Tiruvallur to Learned Family Court at Chennai.

For Petitioner : Ms.R.Manju

ORDER

The transfer petition is filed to transfer HMOP No.147 of 2021, on the file of Learned Family Judge, Tiruvallur to Learned Family Court at Chennai.



2. The marriage between the petitioner and the respondent was solemnised before the Sub-Registrar in Uthukkotai on 05.03.2019. Due to some misunderstanding, both the petitioner and the respondent are living separately.

3. However, the fact remains that the petitioner and the respondent are the residents of Tiruvallur District, more specifically Irulanjeri Village. Both are residing in the same village in adjacent streets. While so, transferring of the case at this juncture would cause prejudice to the respondent.

4. The HMOP No.147 of 2021 was filed by the respondent wife for dissolution of marriage and examination of PW1 has already been commenced. After the commencement of trial in the matrimonial proceedings, transfer need not be ordered which would effect the trial which has already been commenced.

5. In the present case, the petitioner states that he is a practicing lawyer in Tiruvallur District and therefore, he wants the case to be transferred to Chennai Family Court. Such a ground raised is unacceptable



and more so, the trial has already been commenced in respect of the divorce case filed by the respondent in HMOP No.147 of 2021. In view of the facts and circumstances, this Court is not inclined to consider the transfer petition.

6. Accordingly, the Transfer Civil Miscellaneous Petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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03.01.2023

Index : Yes

Speaking order

To

1. Family Judge, Tiruvallur.
2. Family Court at Chennai.



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S.M.SUBRAMANIAM, J.

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