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Tr.C.M.P.No.1164 of 2023
and CMP.No.27856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

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

Tr.C.M.P.No.1164 of 2023

and

CMP.No.27856 of 2023

S. Sakthi Priya

... Petitioner

Vs.

K. Arun Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 219 of 2023 pending on the file of the Subordinate Court, Tambaram and transfer the same to the Principal Family Court at Chennai.

For Petitioner

: Mr. M. Govindaraju

ORDER

The petitioner/wife seeks transfer of H.M.O.P.No. 219 of 2023 pending on the file of the Subordinate Court, Tambaram to the Principal



Tr.C.M.P.No.1164 of 2023
and CMP.No.27856 of 2023

WEB COPY

Family Court, Chennai. The petitioner /wife seeks transfer of the proceedings before the Family Court, Chennai on the ground that she is living at Kolathur in her parental home and she is not able to attend the Court hearings by travelling Kolathur to Tambaram

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 15.02.2013 at Shri Shanth Shesha Mahal, Kolathur as per Hindu rites and customs. Due to misunderstanding the respondent had filed a H.M.O.P.No.1242 of 2015, pending on the file of the Family Court, Chennai. Thereafter, the petitioner has filed the Restitution of Conjugal Right against the respondent in O.P.No.2503 of 2015 under Section 9 of the Hindu Marriage Act, 1955. Now the petitioner is residing at Kolathur in her parental home without any source of income. Hence, she prays to transfer the H.M.O.P.No. 219 of 2023 to the Subordinate Court, Tambaram.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the



Tr.C.M.P.No.1164 of 2023
and CMP.No.27856 of 2023

H.M.O.P.No. 219 of 2023 to the IV Family Court, Chennai.

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4. In view of the above, H.M.O.P.No. 219 of 2023 is withdrawn from the file of the Subordinate Court, Tambaram and transferred to the file of the IV Family Court, Chennai. The learned Subordinate Judge, Tambaram is directed to send entire records to the learned IV Family Judge, Chennai, 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.

6. However, the learned IV Family Judge, Chennai is directed to issue notice to the respondent and dispose of the case as early as possible in the manner known to law.

12.12.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

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Tr.C.M.P.No.1164 of 2023
and CMP.No.27856 of 2023

T.V.THAMILSELVI, J.

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To

1. The Subordinate Judge, Tambaram.
2. The IV Family Judge, Chennai.

Tr.C.M.P.No.1164 of 2023
and
CMP.No.27856 of 2023



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Tr.C.M.P.No.1164 of 2023
and CMP.No.27856 of 2023

12.12.2023