



Tr.C.M.P (MD) No.39 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on	04.07.2023
Pronounced on	14.07.2023

CORAM:

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

TR.C.M.P(MD) No.39 of 2023
and
CMP(MD)No.846 of 2023

Sumithra

... Petitioner

Vs.

C.Karthikeyan

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.554 of 2022 on the file of the learned Family Court, Tiruchirapalli and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Surya

For Respondent : Mr.T.Lenin Kumar



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ORDER

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The petition in Tr.C.M.P(MD) No.39 of 2023 is preferred by the Wife to withdraw HMOP No.554 of 2022 on the file of Family Court, Trichirapalli, to transfer the same to the Family Court, Chennai.

2. In the affidavit filed in support of the present transfer civil miscellaneous petition, the petitioner/wife has stated that her marriage was solemnized with the respondent/husband on 06.09.2004 at Chennai and having two children and the second child is suffering from Autism. Thereafter, a dispute arose between them and the respondent/husband filed HMOP No.554 of 2022 before the Family Court, Trichirapalli. The petitioner had further stated that she is now residing in Chennai along with her old aged parents and depending on them for her livelihood. The respondent is having his permanent residence at Villupuram and had given false address in the divorce petition as if he is residing in Trichy in order to harass her. The distance between Trichy and Chennai is 370 kms and it is very difficult for her to meet her counsel and attend the Court. The same is objected on the side of the respondent/husband.



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3. Considering the facts and circumstances of the case and also the facts that the petitioner is having two younger children and one child is affected by Autism and has no independent income and depends on her parents and also considering the distance between Tiruchirapalli and Chennai, I am inclined to allow this Transfer Civil Miscellaneous Petition. Therefore, H.M.O.P.No.554 of 2022 is directed to be transferred from the Family Court, Tiruchirapalli to the Family Court, Chennai. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

1.The Judge,
Family Court,
Tiruchirapalli.

2. The Judge,
Family Court,
Chennai.

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