



Tr Cmp.No.6 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No.6 of 2024

and

CMP.No.281 of 2024

P.K.Nirmala

...

Petitioner

/vs/

V.Divakar

...

Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in O.P.No.4762 of 2023 from the file of the Learned III Additional Principal Family Court, Chennai to the file of the Learned Family Court, Tiruvallur and tried jointly with M.C.No.48 of 2023.

For Petitioner

...

Mr.L.Ramanathan

For Respondent

...

Mr.J.Abdul Hedi

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in O.P.No.4762 of 2023 from the file of the III Additional Principal Family Court, Chennai to the file of the Family Court, Tiruvallur and tried jointly with M.C.No.48 of 2023.



Tr Cmp.No.6 of 2024

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2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. They have 6 year old son. Due to misunderstanding between them, they separated. The petitioner filed a petition in M.C.No.48 of 2023 on the file of the Family Court, Tiruvallur, for herself and her son for maintenance, against which, the respondent filed a petition in O.P.No.4762 of 2023 on the file of the III Additional Principal Family Court, Chennai, for divorce, in which, the petitioner appeared and the case is now posted on 26.02.2024. The petitioner is residing with her parents' house along with 6 year old son at Tiruvallur for more than 4 years and she finds it very difficult to attend each and every hearing of the said proceedings before III Additional Principal Family Court, Chennai. Hence, she prays transfer the case in O.P.No.4762 of 2023 from the file of the III Additional Principal Family Court, Chennai to the file of the Family Court, Tiruvallur and to be tried jointly with M.C.No.48 of 2023 and prayed to allow the transfer civil miscellaneous petition.



Tr Cmp.No.6 of 2024

WEB COPY

3.The learned counsel appearing for the respondent objected and also submitted that he is ready to bear the expenses to his wife for travel from Tiruvallur to Chennai. Hence, he prayed to dismiss the transfer civil miscellaneous petition.

4.I have considered the matter in the light of the submissions made by the learned counsel on either side and perused the materials available on records.

5.On perusal of the records, it is noticed that the respondent/husband filed O.P.No.4762 of 2023 on the file of the III Additional Principal Family Court, Chennai, for divorce against the petitioner and the petitioner/wife filed M.C.No.48 of 2023 on the file of the Family Court, Tiruvallur for maintenance and it is not disputed that the petitioner is having 6 year old child and residing with her parents' house at Tiruvallur.



Tr Cmp.No.6 of 2024

6.Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the O.P.No.4762 of 2023 from the file of the III Additional Principal Family Court, Chennai to the file of the Family Court, Tiruvallur and the O.P. is directed to be tried jointly with M.C.No.48 of 2023.

7.In view of the above, O.P.No.4762 of 2023 is directed to be withdrawn from the file of the III Additional Principal Family Court, Chennai and transferred the same to the file of the Family Court, Tiruvallur and directed to be tried jointly with M.C.No.48 of 2023. The III Additional Principal Family Judge, Chennai, is hereby directed to send entire records to the Family Court, Tiruvallur, within a period of two weeks from the date of receipt of a copy of this order and the learned Family Judge, Tiruvallur is directed to issue notice to the respondent and dispose of the cases as early as possible. The respondent is directed to appear before the trial Court as directed by it whenever his presence is necessary.



Tr Cmp.No.6 of 2024

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Index : Yes/No
Internet : Yes/No
sms

14.02.2024

To
1.The III Additional Principal Family Court,
Chennai.

2.The Family Court,
Tiruvallur.



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V.SIVAGNANAM ,J.

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