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Tr.C.M.P.Nos.41, 445 & 446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P.Nos.41, 445 & 446 of 2024 &
C.M.P.Nos.1002, 9197 & 9201 of 2024

Tr.CMP.No.41 of 2024

R.Dhanalakshmi ... Petitioner

-Versus-

A.Devaraj ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in HMOP.No.1132 of 2023 pending on the file of the Sub Court, Ambattur and transfer the same to the Family Court, Chennai.

In Tr.CMP.No.445 of 2024

A.Devaraj ... Petitioner

-Versus-

R.Dhanalakshmi ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the M.C.No.4 of 2024 on the file of



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the I Additional Family Court at Chennai to the Sub Court at Ambattur and consequently, directing for joint trial along with HMOP.No.1132 of 2023 on the file of the Sub Court, Ambattur.

In Tr.CMP.No.446 of 2024

1.A.Devaraj
2.A.Rajalakshmi ... Petitioners

-Versus-

R.Dhanalakshmi ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the DVC.No.10 of 2024 on the file of the Metropolitan Magistrate, Additional Mahila Court Egmore, Chennai to the Sub Court at Ambattur

For Petitioner in Tr.CMP.No.41 of 2024 & : Mr.Lokesh for
For Respondent in Tr.CMP.Nos.445 & Mrs.S.Girija Iyswaryah
446 of 2024

For Respondent in Tr.CMP.No.41 of 2024 & : Mr.Sridhar for
For Petitioner(s) in Tr.CMP.Nos.445 & Mr.M.Dharani Dharan
446 of 2024

COMMON ORDER

Transfer CMP.No.41 of 2024 has been filed by the wife to withdraw and transfer HMOP.No.1132 of 2023 pending on the file of the Sub Court at Ambattur to the file of the Family Court at Chennai, Transfer CMP.No.445 of 2024 has been initiated by the husband seeking transfer of MC 4 of 2024 from



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the file of the I Additional Family Court at Chennai to the file of the Sub Court at Ambattur and Transfer CMP.No.446 of 2024 has been filed by the husband seeking transfer of DVC.No.10 of 2024 from the file of the Metropolitan Magistrate, Additional Mahila Court, Egmore to the file of the Sub Court at Ambattur.

2. Since the issues are common, all the above Transfer CMPs were heard together.

3. The learned counsel appearing for the husband would submit that the wife is a permanent resident of Villivakkam and the husband is a resident of Ambattur. Only in order to harass the husband, the wife has initiated the proceedings before the Metropolitan Magistrate, Additional Mahila Court at Egmore and I Additional Family Court at Chennai.

4. Per contra, the learned counsel appearing for the wife would submit that the proceedings were initiated before the Metropolitan Magistrate, Additional Mahila Court at Egmore and I Additional Family Court at Chennai because the wife is now working within the jurisdiction of the said Courts.



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5. A perusal of the petition filed by the wife in Tr.CMP.No.41 of 2024 shows that she is a permanent resident of "No.57, Nehru Nagar, Villivakkam, Chennai - 600 049". Therefore, the courts in Ambattur are closer to her than the courts in Chennai.

6. As rightly contended by the learned counsel appearing for the husband, the distance from Villivakkam to Ambattur would not exceed 5 km, whereas if the party has to come to Chennai, it will be more than 12 to 15 km.

7. Taking into consideration the convenience of both the parties, M.C.No.4 of 2024 on the file of the I Additional Family Court, Chennai is withdrawn and sent to the file of the Judicial Magistrate at Ambattur. Similarly, DVC.No.10 of 2024 pending on the file of the Metropolitan Magistrate, Additional Mahila Court at Egmore is withdrawn and is transferred to the file of the Judicial Magistrate at Ambattur.

8. The learned Subordinate Judge, Ambattur and the learned Judicial Magistrate, Ambattur are requested to consider and grant a same day for hearing of all the three cases. This will obviate the trouble of the parties to travel to the court on a regular basis. Furthermore, both the courts may consider



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the appearance of the parties only for essential hearings. For all other hearings, the counsel on both sides agree that the parties will be represented by an Advocate of their choice.

9. In the light of the above discussion, Tr.CMP.No.41 of 2024 is dismissed. Tr.CMP.Nos.445 & 446 of 2024 are allowed by transferring the cases to the file of the Judicial Magistrate Court at Ambattur, but not to the file of the Sub Court at Ambattur. No costs. Consequently, the civil miscellaneous petitions are closed.

25.04.2024

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To

- 1.The Judicial Magistrate Court at Ambattur
- 2.The Sub Court, Ambattur
- 3.The I Additional Family Court at Chennai
- 4.The Metropolitan Magistrate, Additional Mahila Court Egmore, Chennai



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V.LAKSHMINARAYANAN, J.
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