



Tr.CMP.No.85 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.CMP.No.85 of 2024

and

C.M.P.No.2124 of 2024

R.Kokila

... Petitioner

Vs.

P.Balamurugan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 22 of Civil Procedure Code to withdraw H.M.O.P.No.67 of 2023 pending on the file of the Sub Court, Tirukovilur, Kallakurichi District and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Mohana Sundararajan
for Mr.T.Sundaravadanam

For Respondent : Mr.R.Udayakumar



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ORDER

The petitioner, respondent in H.M.O.P.No.67 of 2023 on the file of the Sub Court, Tirukovilur, Kallakurichi District filed this petition seeking transfer of the case from the file of the Sub Court, Tirukovilur, Kallakurichi District to the file of the V Additional Family Court, Chennai where the petitioner already filed H.M.O.P.No.5628 of 2023 for restitution of conjugal rights.

2.The contention of the learned counsel for the petitioner is that the marriage between the petitioner and the respondent took place on 06.02.2022. Out of their wedlock, a male child was born to them on 08.12.2022. After five months of matrimonial life, the respondent/husband lost interest in the family life and started harassing the petitioner. The respondent neither cared for the petitioner nor for the minor son Master B.Krithikesh. The petitioner's parents were already struggling due to the debts incurred for the marriage and this being so, the respondent's family members are making more demands. The petitioner being a single lad with an infant in hand is unable to travel 300 kms from Chennai to attend the



Court at Kallakurichi. Further, the petitioner also filed a petition seeking restitution of conjugal rights which is pending before the Family Court, Chennai.

3.The learned counsel for the respondent submits that the allegations made by the petitioner are false and the petitioner filed the petition seeking restitution of conjugal rights during December 2023 but the petition for divorce had been filed during August 2023 and the petitioner's act is nothing but an offensive one.

4.Considering the submissions made and on perusal of the materials, it is seen that the petitioner herein who is a single lady residing at Chennai along with a child which is not denied by the respondent and she has to travel 300 kms from Chennai to attend the hearing in the Court at Kallakurichi. Further, the petitioner had filed a petition seeking restitution of conjugal rights in H.M.O.P.No.5628 of 2023 which is pending before the V Additional Family Court, Chennai. In view of the same, this Court withdraws H.M.O.P.No.67 of 2023 from the file of the Sub Court, Tirukovilur, Kallakurichi District and transfer the same to the file of the V



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Additional Family Court, Chennai.

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5..Accordingly, the Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, connected Civil Miscellaneous Petition is closed.

05.07.2024

cse

To

1.The Sub Court,
Tirukovilur,
Kallakurichi District

2.The V Additional Judge,
Family Court, Chennai.



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M.NIRMAL KUMAR, J.

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