



Tr.C.M.P.No.80 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.08.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.80 of 2024

&

C.M.P.No.2005 of 2024

Dr.V.Janani

...Petitioner

Vs.

Dr.G.Santhosh Kumar

...Respondent

Prayer: Transfer Petition is filed under Section 24 of the Code of Civil Procedure to withdrawn H.M.O.P.No.5294 of 2023 pending before the V Additional Family Court, Chennai and to transfer the same to the Family Court, Salem.

For Petitioner : Mr. C.Emalias

For Respondent : M/s. R.T.Shyamala

ORDER



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The wife is the transfer petition. The relationship between the parties is not in dispute. The respondent married the petitioner on 10.12.2021 at Annapoorani Thirumana Mahal, Yercaud Adivaram, Salem, District. The parties lived together between 13.12.2021 to 31.01.2023 at Chennai. Thereafter, due to disputes and differences, the parties have separated. The wife has also given a compliant before the AWPS Police Station at Salem for initiating action against the husband.

2. Claiming that he is aggrieved over the acts of the wife, the husband has moved a petition for divorce under the provisions of Section 13 (i) (a) of the Hindu Marriage Act. The said proceedings has been numbered as H.M.O.P.No.5294 of 2023 and is pending before the V Additional Family Court, Chennai. The wife pleads that she is a Dentist. She finds it difficult to travel from Salem to Chennai for every hearing.

3. Notice was ordered in the petition on 08.02.2024. The



summons have been served on the respondent and M/s.R.T.Shyamala appeared for the respondent / husband.

4. Heard Mr. C.Emalias, for the transfer petition and M/s.R.T.Shyamala, for the respondent.

5. Mr. C.Emalias would submit that the petitioner is a Post Graduate in Dentistry and she finds it extremely difficult to travel from Salem to Chennai. He would add that if the proceedings are transferred to Salem, it will be convenient for the wife to attend the proceedings.

6. M/s. R.T.Shyamala would submit that the husband is a Medical Doctor, who is currently employed in SIMS Hospital, Chennai, in the department of Emergency Medicine. She would submit that it is extremely difficult for the husband to travel from Chennai to Salem, at the same time to perform his duties.



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7. In a petition for transfer arising out of matrimonial dispute, the convenience of the wife should be taken into consideration. The wife has pleaded that she is not in a position to travel from Salem to Chennai. The wife is a permanent resident of Salem. Hence, taking into consideration the convenience of the wife, H.M.O.P.No.5294 of 2023 is withdrawn from the file of the V Additional Family Court, Chennai to the file of Family Court, Salem.

8. At the same time, I have to take note of the profession, in which the husband is making out his livelihood. The Department of Emergency Medicine would require the husband to be at the Hospital. Therefore, the learned Family Judge, Salem is requested not to insist on the presence of the husband for every hearing. However, the husband shall be represented by a counsel on all hearing dates. The husband shall be present before the Court as and when the Judge directs to appear.



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9. With the above directions, the Transfer Petition is allowed.

Consequently, the connected Civil Miscellaneous Petition is closed.

No costs.

30.08.2024

Index : Yes/No

Internet : Yes/No

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To

1.The V Additional Family Court,
Chennai.

2.Family Court,
Salem.

V.LAKSHMINARAYANAN, J.



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