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Tr.C.M.P. No.91 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

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THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

Tr.C.M.P. No.91 of 2024 &
C.M.P.No.2196 of 2024

Affunissa Chaudhary

... Petitioner

-Versus-

R.Raghav

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure, to withdraw S.M.O.P.No.219 of 2022 on the file of the Family Court, Chengelpattu and to transfer the same to the file of the Sub Court, Alandur.

For the Petitioner : Mr.G.Ramesh

For the Respondent : Mr.C.Saifullah

ORDER

The transfer petitioner is the wife. She married the respondent under the Special Marriage Act, 1954, on 24.02.2012. From the wedlock there are no children. The parties have been litigating in several forums. The wife has initiated D.V.C.No.22 of 2022 on the file of the Additional Mahila Court at



Tr.C.M.P. No.91 of 2024

Alandur. The husband has initiated O.S.No.47 of 2023 on the file of the Sub court, Tambaram and S.M.O.P.No.219 of 2022 on the file of the Family Court, Chengalpet.

2. The wife pleads that she is unable to travel to the distance of 54 kms from Injambakkam to Chengalpet to attend the hearings. She would state that the proceedings were posted for cross examination of the husband and necessarily she has to appear for every hearing. Hence, this transfer petition.

3. Notice was ordered in this transfer petition on 15.02.2024. The proceedings before the Family Court, Chengalpet was kept in abeyance. On service of notice Mr.C.Saifullah, entered appearance for the respondent-husband.

4. Heard Mr.Ramesh Ganapathy, for the Civil Revision Petitioner and Mr.C.Saifullah for the respondent.

5. There is no dispute that the husband is residing in Akkarai on East Coast Road. The wife too is residing in Injambakkam on East Coast Road.



Tr.C.M.P. No.91 of 2024

Though the petitioner wants the proceedings to be transferred to Sub Court, Alandur, I am not inclined to consider the request, on account of the fact that atleast a few thousands of cases were pending before the Subordinate Judge, Alandur. By transferring the said proceedings to the Court at Alandur, I will not only be burdening the Court in litigation, but this proceedings would not be in a position to move at the rate at which the parties would want to.

6. I take notice of the fact that a suit for a property which allegedly belongs to the husband, has been initiated in O.S.No.47 of 2023. Both sides agree that pleadings have been completed and the arguments have to be advanced in the Interlocutory Application. This makes it clear that the parties are travelling to Tambaram for the purpose of litigation. The Court dealing with the matrimonial dispute should deal with the properties of the parties also. This is for the purpose of giving a finality to the disputes that arises between the spouses.

7. Taking overall circumstances into consideration, including the physical difficulties that may be faced by the respective parties, I am inclined to withdraw S.M.O.P.No.219 of 2022 from the file of the Family Court,



Tr.C.M.P. No.91 of 2024

Chengelpattu, and transfer the same to the file of the Sub Court, Tambaram.

The learned Subordinate Judge, Tambaram, is requested to club S.M.O.P.No.219 of 2022 along with O.S.No.47 of 2023 and dispose of the same by a common judgment.

8. Considering the fact that the parties have been litigating in several Courts the learned Subordinate Judge, Tambaram is requested to expedite the proceedings, once the case papers are received from the Family Court, Chengelpattu.

9. With the above directions, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

05.09.2024

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Index : yes / no

Internet : yes / no

Neutral Citation: yes / no

Speaking / Non Speaking Order



Tr.C.M.P. No.91 of 2024

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To

- 1.The Judge
Family Court, Chengalpattu.
- 2.The Sub Judge
Sub Court, Alandur.



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Tr.C.M.P. No.91 of 2024

V.LAKSHMINARAYANAN, J.,
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Tr.C.M.P.No.91 of 2024 &
C.M.P.No.2196 of 2024

05.09.2024