



WEB COPY



*Tr.CMP.No.110 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 17.04.2024**

CORAM

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Tr.CMP.No.110 of 2024**

**and**

**C.M.P.No.2431 of 2024**

S.Gayatherry

.. Petitioner

Vs.

Periasamy alias Karthick

.. Respondent

**Prayer** : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the proceedings in H.M.O.P.No.5106 of 2023 pending on the file of the II Additional Family Court at Chennai to the file of the Family Court at Tiruchirappalli to be tried along with H.M.O.P.No.437 of 2023 pending on the file of the Family Court at Tiruchirappalli.

For Petitioner : Mr.K.Elango

For Respondent : Mr.B.Manoharan

**ORDER**

The petitioner and the respondent were married on 02.02.2017 at Madurai.



*Tr.CMP.No.110 of 2024*

2. Thereafter, a matrimonial home was set up within the jurisdiction of the Courts at Tambaram, namely, Tambaram Sanatorium. Be that as it may, the marriage has hit the rocks and the parties are before the II Additional Family Court at Chennai.

3. The wife claims that her brother is employed at Pune and her father is suffering from a terminal illness, and therefore, she has left her job in United States and has settled in Tiruchirappalli. Pleading inability to travel for every hearing from Tiruchirappalli to Chennai, she has filed this transfer petition.

4. Notice was issued in the application and the respondent has entered appearance through Mr.B.Manoharan.

5. Mr.B.Manoharan would resist the application saying that the petitioner is a resident of the United States and she has obtained a citizenship there. It is only to harass the husband, she has moved this transfer petition.



*Tr.CMP.No.110 of 2024*

WEB COPY

6. Mr.K.Elango, appearing on behalf of the petitioner, would submit that the petitioner has resigned her job and has moved back to Tiruchirappalli to take care of her father. Her father has no one to attend to him as her sibling is now residing at Pune.

7. Taking overall circumstances of the case into consideration and considering the fact that the distance between Tiruchirappalli and Chennai is more than 200 Kms, it would be extremely difficult for a lady to travel without any assistance. Therefore, I am inclined to allow this transfer petition. Hence, the proceeding in H.M.O.P.No.5106 of 2023 which is now pending on the file of the II Additional Family Court at Chennai is withdrawn and it shall transferred to the file of the Family Court at Tiruchirappalli to be heard and tried along with H.M.O.P.No.437 of 2023.

8. It is made clear that the husband need not appear for every hearing. But he shall appear for the essential hearings. On all other hearings, he may be represented through a counsel.



*Tr.CMP.No.110 of 2024*

9. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

**17.04.2024**

mkn2

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No

To

1.The II Additional Family Court,  
Chennai

2.The Family Court,  
Tiruchirappalli



WEB COPY



*Tr.CMP.No.110 of 2024*

**V. LAKSHMINARAYANAN, J.**

mkn2

**Tr.CMP.No.110 of 2024**  
**and**  
**C.M.P.No.2431 of 2024**

**17.04.2024**