



Tr.C.M.P.No.213 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.213 of 2024 and
C.M.P.No.4118 of 2024

B.Kanmani

... Petitioner

Vs.

V.Kannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case bearing H.M.O.P.No.53 of 2022 on the file of the Principal Subordinate Court, Dharmapuri and transfer the same to the file of the 2nd Additional Family Court Chennai.

For Petitioner : Mr.C.Sivakumar
For Respondent : Mr.S.Mahendran

ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.53 of 2022 filed by her estranged husband/respondent from the file of the Principal Subordinate Court, Dharmapuri to the file of the II Additional Family Court at Chennai.



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2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 02.07.2020 in Sri Sennakesava Perumal Kovil at Pennagaram Taluk, Dharmapuri. Right from the date of marriage, the respondent and his family members without any reason started to abuse and harass the petitioner despite the petitioner acted as dutiful wife. Finally, the respondent and his family members chased away the petitioner from matrimonial home. The petitioner is now living with her aged parents and with their support. Right from the date of the petitioner left the matrimonial home, neither the respondent nor his family members made any arrangement for reconciliation. He further submitted that the petitioner filed maintenance case against the respondent in M.C.No.503 of 2022 which is pending before the II Additional Family Court at Chennai. Hence, the divorce petition filed by the respondent to be transferred to the file of the II Additional Family Court at Chennai and tried along with the maintenance case.

3.The learned counsel for the respondent submitted that he has no



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objection for transferring the proceedings in H.M.O.P.No.53 of 2022 to the file of the II Additional Family Court at Chennai.

4.Considering the submissions and on perusal of the materials, it is seen that with great difficulty, the petitioner is travelling all the way from Chennai to Dharmapuri to attend the Court proceedings. Added to it, the petitioner's parents are aged having health ailments, at this stage, she could not travel from Chennai to Dharmapuri to attend Court proceedings. Further, the respondent has no objection for transfer the divorce proceedings to the II Additional Family Court at Chennai.

5.In view of the above, this Court withdraws H.M.O.P.No.53 of 2022 from the file of the Principal Subordinate Court, Dharmapuri and transfer the same to the file of the II Additional Family Court at Chennai. On receipt of entire case bundle, the II Additional Family Court at Chennai is directed to conduct trial in H.M.O.P.No.53 of 2022 along with the maintenance case in M.C.No.503 of 2022 and dispose of both proceedings, within a period of six months thereafter. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed.



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No costs.

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Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

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To

1.The II Additional Family Court at Chennai.

2.The Principal Subordinate Court,
Dharmapuri.



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M.NIRMAL KUMAR, J.

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