



Tr.C.M.P.No.521 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.521 of 2024
and C.M.P.No.11577 of 2024

Vinothini

... Petitioner

Vs.

Suthakar Subramanian

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.929 of 2022 on the file of the Sub Court, Poonamallee and to transfer the same to the file of the Family Court, Nagapattinam.

For Petitioner : Mr.P.Kannan Kumar
For Respondent : Dr.S.Ambigai Dass

ORDER

The petitioner filed this transfer petition seeking transfer of H.M.O.P.No.929 of 2022 filed by her estranged husband/respondent from the file of the Sub Court, Poonamallee to the file of the Family Court, Nagapattinam.



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2.The learned counsel for the petitioner submitted that marriage between petitioner and respondent solemnized on 06.02.2019 at Prathabaramapuram Marriage Hall. During marriage, customary sridhana articles were presented as gift. After marriage, initially they lived in Chennai and thereafter, moved to Malaysia to lead happy life, where the petitioner was subjected to cruelty. After returning from Malaysia, the petitioner came to know that the respondent's original parents are living in Vadakkupoigainallur and he wrongly introduced some third parties as his parents in Malaysia. The respondent filed a petition for divorce in H.M.O.P.No.929 of 2022 before the Sub Court, Poonamallee. Since the petitioner is residing with her aged parents, it is difficult for her to travel alone all the way from Nagapattinam to Poonamallee to attend the hearing at Sub Court, Poonamallee. Hence, the divorce petition filed by the respondent to be transferred to the file of the Family Court, Nagapattinam.

3.The learned counsel for the respondent has no objection to transfer the proceedings in H.M.O.P.No.929 of 2022 from the file of the Sub Court,



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Poonamallee to the file of the Family Court, Nagapattinam.

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4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is residing in Nagapattinam and she is residing with her aged parents. Hence, it will be difficult for her to travel alone all the way from Nagapattinam to Chennai to attend Court proceedings which is more than 700 kms in both directions.

5.In view of the above, this Court withdraws H.M.O.P.No.929 of 2022 from the file of the Sub Court, Poonamallee and transfers the same to the file of the Family Court, Nagapattinam. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

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Speaking Order/Non Speaking Order

Index : Yes/No

cse



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M.NIRMAL KUMAR, J.

cse

To

- 1.The Sub Judge,
Poonamallee
- 2.The Family Court Judge,
Nagapattinam

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