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Tr.C.M.P.No.270 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

Coram

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr. C.M.P. No.270 of 2024

and

C.M.P.No.5609 of 2024

R.Gayatri

..... Petitioner

-Versus-

Gokul K.

..... Respondent

Petition filed under Section 24 of Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.15 of 2024 from the file of the learned Subordinate Judge at Tiruchengode and transfer the same to the file of the Family Court at Chennai.

For Petitioner : *Ms.R.Pavithra*

For Respondent : *Mr.A.P.Venkatakannan*

ORDER

The petitioner is the wife. She married the respondent on 10.06.2022.

They set up their matrimonial home in Bangalore. Subsequently, alleging that



Tr.C.M.P.No.270 of 2024

the respondent/husband had behaved with her in a cruel manner, she has moved away from the matrimonial home and she is currently said to be residing in Chennai. In the meantime, the respondent/husband has moved a petition for restitution of conjugal rights in H.M.O.P.No.15 of 2024 on the file of the Subordinate Judge, Tiruchengode.

2. Pleading that she is unable to travel from Chennai to Tiruchengode in Namakkal District for attending the proceedings, the petitioner/wife has filed this transfer petition.

3. Notice was ordered in this transfer petition on 11.03.2024. Mr.A.P.Venkatakannan has entered appearance for the respondent.

4. Heard Ms.R.Pavithra for the petitioner and Mr.A.P.Venkatakannan for the respondent.

5. Mr.A.P.Venkatakannan would plead that petitioner is a permanent resident of Bangalore and hence, the request for transfer is untenable.

6. A perusal of the affidavit, especially, paragraph No.7 shows that the wife is now residing at Thiruvannamiyur in Chennai. Chennai and Tiruchengode is separated by nearly 350 kms and it will be difficult for a 28 year old woman



Tr.C.M.P.No.270 of 2024

to travel the said distance all alone.

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7. Taking into consideration the convenience of the petitioner/wife, the case in O.P.No.15 of 2024 pending on the file of the learned Subordinate Judge, Tiruchengode, is withdrawn and transferred to the file of the Family Court at Chennai.

8. The respondent/husband being an employee in Software Company in Bangalore, the Family Court at Chennai is requested not to insist upon the appearance of the respondent/husband for every hearing except the essential hearing. For non-essential or procedural hearings, he may be represented through a counsel.

With the above directions, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : yes / no
Neutral Citation : yes / no
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20..09..2024



Tr.C.M.P.No.270 of 2024

WEB COPY

To

- 1.The Subordinate Judge, Tiruchengode, Namakkal District.
- 2.The Principal Judge, Family Court at Chennai.



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Tr.C.M.P.No.270 of 2024

V.LAKSHMINARAYANAN.J.,
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Tr.C.M.P.No.270 of 2024

20..09..2024