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Tr.C.M.P.No.357 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.357 of 2024 and
C.M.P.No.7517 of 2024

M.Gayathri Devi

... Petitioner

Vs.

T.Sathish

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP 268 of 2023 filed by the respondent on the file of Udumalpet Sub Court and transfer the same to Family Court at Chennai.

For Petitioner : Mr.R.Durga
For Respondent : Mr.B.Kumarasamy

ORDER

The petitioner filed this transfer petition seeking transfer of divorce petition in H.M.O.P.No.268 of 2023 filed by her estranged husband/respondent from the file of the Subordinate Court, Udumalpet to



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the file of the Family Court at Chennai.

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2.The learned counsel for the petitioner submitted that marriage between the petitioner and respondent solemnized on 28.05.2021 at Arulmigu Prasanna Vinayagar Temple, Udumelpet and they were living together happily for sometime in Udumelpet. Since the respondent and his family members started to ill-treat the petitioner, the petitioner was not having conducive atmosphere to reside in the matrimonial home. On the other hand, the respondent accusing the petitioner that she is not a normal girl and chased her out from the matrimonial home during the month of May 2023. Now the petitioner is residing in Chennai with her mother's care and support. He further submitted that the respondent is working in Cognizant Technology Solution at Chennai which is admitted by him in divorce petition. This being so, to cause harassment, the divorce petition filed before Udumelpet Court. The petitioner is without any income, hence, cannot travel all the way from Chennai to Udumelpet to attend the case. On the other hand the respondent is employed in Chennai and it will be convenient for him to attend the Court at Chennai.



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3.The learned counsel for the respondent submitted that the petitioner is employed in Software Industry for the present working from home at Udumelpet, only on occasions, the respondent will be called to attend office at Chennai or Bangalore. The marriage between petitioner and respondent held on 28.05.2021. From the day of marriage, the petitioner not acted as dutiful wife and her behaviour was abnormal. When the same was questioned, she shouted and abused the respondent and his family members. When the same complained to the petitioner's mother, she not responded. Later, the petitioner on her own left the matrimonial home to visit her mother, thereafter she failed to return back to Udumelpet. Despite several steps taken for reconciliation and to bring her back to matrimonial home, all failed. Hence, he filed divorce petition at Udumelpet.

4.Considering the submissions and on perusal of the materials, it is seen that the petitioner is now residing in Chennai under her mother's care and support, at this stage, she cannot travel all the way from Chennai to Udumelpet to attend Court proceedings, that to alone. Travelling will take around 12 hours. Further it is not possible to travel, attend Court and come



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back in a day. For travel, she has to incur expenditure and it is not safe for a woman to travel alone from Chennai to Udumelpet.

5.In view of the above, this Court withdraws H.M.O.P.No.268 of 2023 from the file of the Subordinate Court, Udumelpet and transfers the same to the file of the Family Court at Chennai. Accordingly, this transfer civil miscellaneous petition is allowed. Consequently, connected civil miscellaneous petition is closed. No costs.

25.07.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

Neutral Citation: Yes/No

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To

1.The Family Court at Chennai.

2.The Subordinate Judge,
Udumelpet.



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M.NIRMAL KUMAR, J.

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