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Transfer C.M.P.No.268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

Transfer C.M.P No.268 of 2023 &
C.M.P.No.5908 of 2023

Kalaiyarasi

... Petitioner

-Versus-

Aram Neethi

... Respondent

Transfer civil miscellaneous petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the case in HMOP.No.5678 of 2022 on the file of the III Additional Family Court, Chennai to the file of the Family Court, Ariyalur.

For Petitioner : Mr.K.Murugesan

For Respondent : No appearance

ORDER

The petitioner is the wife. She married the respondent on 24.10.2021 at Arulmigu Periyapalayathamman Kovil, Tondiarpet, Chennai – 600 081. Due to disputes and differences that arose after the wedding, the parties have been residing separately.



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2. The husband, taking advantage of the fact that the matrimonial home was set up at Perambur, Chennai, invoked the jurisdiction of III Additional Family Court at Chennai seeking grant of divorce under section 13(1)(a) of the Hindu Marriage Act.

3. The wife states that she was served with the summons for appearance on 06.02.2023 and had also appeared before the court. She finds it difficult to travel from the Kulmur village in Ariyalur District to Chennai for every hearing. She pleads that the distance between the court and her residence is around 300 kilometers and therefore she seeks transfer.

4. Notice was ordered in this application on 21.03.2023. The respondent, though served, has not entered appearance through a counsel nor is he present in person to oppose the petition.

5. Considering the convenience of the wife as she is residing in a village at Ariyalur District and as the said village is at a considerable distance from the city of Chennai, I am inclined to accept this transfer petition. Accordingly, HMOP.No.5678 of 2022 is withdrawn from the file of the III Additional Family



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Court, Chennai and is transferred to the file of the Family Court, Ariyalur.

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6. The Family Court, Ariyalur need not insist upon the appearance of the husband for every hearing. For essential hearings alone, he should be present. For all other hearings, he may be represented through a counsel.

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

12.07.2024

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Index : yes / no

Neutral Citation : yes / no

Speaking / Non Speaking Order

To

1. The III Additional Family Court, Chennai

2. The Family Court, Ariyalur



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V.LAKSHMINARAYANAN, J.

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